

29.06.2022
Serial no.79
Aloke

CRM (A) 3075 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Gangarampur Police Station Case No. 228 of 2022 dated 30.04.2022 under Sections 363/365/109 of the Indian Penal Code.

-And-

In the matter of : **Rafikul Islam & Ors.**

... .. Petitioners

Mr. Asim Kr. Chakraborti, Advocate

Mr. S. Barman, Advocate

... .. For the Petitioners

Mr. Navnil De, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

While examining the victim, the doctor recorded a statement of the victim in the report that prepared on May 19, 2022. The victim recorded her statement under Section 164 of the Code of Criminal Procedure on May 20, 2022. In the statement recorded under Section 164 of the Code of Criminal Procedure, the victim claims to be 15 years of age.

Petitioner nos. 1, 4 and 5 are named in the statement recorded under Section 164 of the Code of Criminal Procedure of the victim.

In such circumstances, we are unable to grant anticipatory bail to petitioner nos. 1 (Rafikul Islam), 4 (Rustam Ali) and 5 (Usman Ali @ Alamgir Alam).

However, we are inclined to grant anticipatory bail to the petitioner nos. 2 (Mamtaj Ali) and 3 (Rasida Bibi).

Accordingly, we direct that in the event of arrest the petitioner nos. 2 (Mamtaj Ali) and 3 (Rasida Bibi) shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner no. 2 shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner no. 3 will cooperate with the investigation and on further condition that the petitioner nos. 2 and 3 shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner nos. 2 and 3 is allowed.

Prayer for anticipatory bail of the petitioner nos. 1, 4 and 5 are rejected.

CRM (A) 3075 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)