

08.07.2022

26

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3233 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **498** of **2021** dated **07.10.2021** under Section 6 of the Protection of Children from Sexual Offences Act (charge-sheet filed under Section 17 of the Protection of Children from Sexual Offences Act).

And

In Re : Bapi Sarkar & Anr.

..... petitioners

Mr. Abhra Mukherjee

Mr. Sauradeep Dutta

Mr. Rajkumar Rajbanshi

....for the petitioners

Mr. Avishek Sinha

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. The principal accused is in custody. The police filed charge-sheet and, therefore, custodial interrogation of the petitioners are not required.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

There is a 164 Cr.P.C. statement of the victim in the case diary.

Apparently, the victim does not implicate the petitioners in her 164 Cr.P.C. statement.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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 petitioners 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)