

08.07.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3234 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nodakhali** Police Station Case No. **175** of **2022** dated **02.05.2022** under Sections 341/448/354/325/379/506/354B/34 of the Indian Penal Code, 1860 and Section 10 of the Protection of Children from Sexual Offences Act (POCSO Act).

And

In Re : Usman Mollick @ Osman Mallick

..... petitioner

Md. Sarwar Jahan

Mr. Maidul Islam Kayal

....for the petitioner

Mr. Joy Chakraborty

Mr. Sandip Dinda

....for the de-facto complainant

Mr. Navanil De

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the de-facto complainant lodged a proceeding under Section 156(3) of the Code of Criminal Procedure (Cr.P.C.) on March 30, 2022 narrating the incidents of March 5, 2022 and March 8, 2022. She claims that on March 5, 2022, the petitioner allegedly stated to the de-facto complainant that her husband was kidnapped by the petitioner. On March 8, 2022, the petitioner allegedly sexually assaulted the daughter of the de-facto complainant.

Learned advocate for the petitioner also submits that, the petitioner filed complaint under Section 156(3) Cr.P.C. was referred to the Bishnupur Police Station. Bishnupur Police Station reported that they do not have jurisdiction. The de-facto complainant thereafter approached the Nodakhali Police Station on April 11, 2022 where he did not make any allegations with regard to POCSO Act. The petitioner surrendered and obtained bail with regard to the Nodakhali police station case.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

The de-facto complainant is represented.

There are allegedly two incidents, one on March 5, 2022 and the other is of March 8, 2022. The de-facto complainant did not make any allegations in the month of April, 2022 to the Nodakhali Police Station with regard to the March 8, 2022 incident. The present police complaint is with regard to the March 8, 2022 incident.

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

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 further condition that the petitioner shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner 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 petitioner 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.)