

12 14.07.2022
(AD)
Court No.29
(Allowed)

C.R.M. (A) 3337 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **203 of 2022** dated **18/04/2022** under Sections **354A/506/509/34** of the Indian Penal Code and **12/18** of Protection of Children from Sexual Offences Act and subsequently charge sheet submitted under Sections **341/506/509/34** of the Indian Penal Code and **12** of Protection of Children from Sexual Offences Act.

And

In the matter of: Fansar Sk. @ Mirajul Sk. & Anr.

....petitioners.

Mr. Manas Kumar Das

...for the petitioners.

Mr. Arijit Ganguly
Mr. Sujan Chatterjee

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. He submits that there is a police complaint as against the de facto complainant herein being Kandi Police Station Cased No.649 of 2021 dated December 5, 2021 under Sections 363/365 of the Indian Penal Code in respect of which, a charge sheet was submitted by the police, *inter alia*, under Section 376(1)/34 of the Indian Penal code and Section 6 of the Protection of Children from Sexual Offences Act. He submits that present police complaint is a counterblast of the earlier police complaint.

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

There is a possibility of the petitioners being falsely implicated due to the earlier police complaint. The police filed charge sheet in the present case. Therefore, custodial interrogation of the petitioners at the present moment are not imperative. Consequently 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/- (Rupees Ten Thousand Only) each with two sureties of like amount each to the satisfaction of the Arresting Officer and also 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.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 3337 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)