

08.08.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3802 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pukhuria** Police Station Case No. **51** of **2022** dated **24.02.2022** under Sections 363/365/368/34 of the Indian Penal Code, 1860 and Section 6 of the POCSO Act.

And

In Re : Abid Hossain @ Md. Abid Hossain

..... petitioner

Mr. Pawan Kumar Gupta

Md. Hasanuz Zaman

....for the petitioner

Ms. Minoti Gomes

....for the de-facto complainant

Mr. Madhusudan Sur

Mr. Manoranjan Mahata

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. He submits that, the elder daughter of the de-facto complainant filed a proceedings, inter alia, under Section 498A of the Indian Penal Code, inter alia, against the petitioner. Charge-sheet therein was submitted. The elder daughter of the de-facto complainant not being satisfied with such charge-sheet, filed an application taking exception to the charge-sheet. The second charge-sheet was submitted. The proceedings are pending. Thereafter, the

present police case was filed by the de-facto complainant using the mechanism of its younger daughter.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) and to her medical report.

Learned advocate appearing for the de-facto complainant submits that, the victim was kidnapped by the petitioner, ravished and then left in the field.

The medical examination report of the victim, prima facie, does not corroborate the claim which, the victim made in her 164 Cr.P.C. statement.

There is an element of false implication involved in the present case also. There is a previous police complaint.

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.)