

04.01.2022

Court No.32
rpan/238

C.R.M. 7630 of 2021

[through Video Conferencing]

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Fatik Sk & Others**

- Petitioners

Mr. Mujibar Ali Naskar,

Mr. Jishan Ahmed

... for the Petitioners.

Mr. Abhra Mukherjee,

Mr. Gautam Banerjee

... for the State.

Apprehending arrest in connection with Suti Police Station Case No. 220 of 2021 dated 14.06.2021 under Sections 363/365/120B of the Indian Penal Code, 1860 and adding Section 4 of the Protection of Children from Sexual Offences Act, 2012, the present application has been preferred.

Mr. Naskar, learned advocate appearing for the petitioners submits that the ingredients of Section 4 of the POCSO Act are not attracted against the petitioners herein, who are the father, mother, brother and brother-in-law respectively of the principal accused, Rahul Sk. They have all been falsely implicated. Upon completion of investigation charge sheet has also been submitted. There was love relationship between the victim girl and the principal accused and the victim willingly left her residence and accompanied Rahul Sk. In the said conspectus,

the petitioners may be granted anticipatory bail on any stringent condition.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the victim girl, as recorded under Sections 161 and 164 of the Code.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, there are strong incriminating materials against the petitioner nos.3 and 4. Considering the extent of their complicity, we are not inclined to grant anticipatory bail to the said petitioner nos.3 and 4 and their prayer for anticipatory bail is refused.

However, so far as the petitioner nos.1 and 2 are concerned, *prima facie*, we are of the opinion that there is no possibility that they would flee from justice or delay the trial by abscondence. Considering the nature of allegations, as levelled against them, we are of the opinion that their custodial interrogation is not warranted. As such, their prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner nos. 1 and 2, namely, **Fatik Sk** and **Saima Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of

Criminal Procedure, 1973 with a further condition that they shall not leave the jurisdiction of Raghunathganj Police Station until further orders, save and except for attending the learned court below on all the dates specified for hearing.

It is further directed that they shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event they fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 7630 of 2021 is partly allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)