

22.08.2022

Sl.13

Court No.29

(AD)

(Allowed)

C.R.M. (A) 3970 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Karandighi** Police Station Case No. **258 of 2022** dated **21.05.2022** under Sections **363/365/109** of the Indian Penal Code, 1860, added Sections **4 & 8** of POCSO Act.

And

In the matter of: **Serajul @ Serajul Haque & Anr.**

....petitioners.

Mr. M. Nazar Chowdhury

Ms. Priyanka Saha

Mr. M.A. Salik

...for the petitioners.

Mr. Neguive Ahmed, Ld. APP

Ms. Trina Mitra

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that there was a relationship between the victim and the second petitioner. The petitioners were falsely implicated.

Learned Additional Public Prosecutor refers to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. He submits that the father of the victim lodged a subsequent police complaint claiming that the petitioners are threatening him to withdraw the police case. He refers to the written instructions that he received from the police.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure claims that there was a previous relationship between her and the second petitioner and that she went voluntarily with the second petitioner. There is a police

complaint subsequent to the recording of the statement under Section 164 of the Code of Criminal Procedure.

In such circumstances, it would be appropriate to grant anticipatory bail to the petitioners, however, on conditions.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on conditions that both the petitioners will not enter into the jurisdiction of Karandighi police station till the conclusion of the investigations. Both the petitioners will inform the Investigating Officer as also the jurisdictional Court and the Officer-in-Charge of the Police Station where they are residing as to their address of their residence. They will report to the Investigating Officer once a week till the conclusion of the investigation. They are at liberty to enter the police station only for the purpose of reporting to the Investigating Officer and attending the Court.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 3970 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)