

32 31.08.2022
(AD)
Court No.29
(Allowed)

C.R.M. (A) 4172 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dholahat** Police Station Case No. **410** dated **01/12/2017** under Sections **363/365** of the Indian Penal Code; (subsequently charge sheet has been submitted under Sections **363/365/366/506** of the Indian Penal Code & Section **6** of Protection of Children from Sexual Offences Act, 2012 (POCSO); (corresponding to Special POCSO Case No.10/2018).

And

In the matter of: **Gour Mal @ Gourhari Mal**

....petitioner.

Mr. Ayan Basu
Mr. Sandip Kumar Mondal

...for the petitioner.

Mr. Avishek Sinha

...for the State.

Petitioner prays for anticipatory bail.

The police complaint is of December 1, 2017.

The police filed the first final report which was challenged.

On further investigation, the police filed a second final report. In both the final reports, the police exonerated the petitioner. Thereafter, on further investigation, the police filed a charge sheet implicating the petitioner.

There is a statement of the victim recorded under Section 164 of the Code of Criminal Procedure on February 2, 2018. The two final reports noted above were filed subsequent to the recording of the statement under Section 164 of the Code of Criminal Procedure of the victim. The police filed charge sheet.

In such factual matrix, 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/- (Rupees Ten Thousand Only), 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 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 4172 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)