

23.09.2022
Serial no.11
Aloke

CRM (A) 4537 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kolaghat Police Station Case No. 341 of 2022 dated 30.06.2022 under Sections 376(2)(n)/506 of the Indian Penal Code and Section 6 of the POCSO Act.

-And-

In the matter of : **Sk. Miraj Ali**

... .. Petitioner

Mr. Prabir Mitra, Advocate
Mr. Pinak Kr. Mitra, Advocate
Ms. Ariba Shabab, Advocate
... .. For the Petitioner

Mr. Shiladitya Banerjee, Advocate
... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner lodged a police complaint on June 24, 2022 against the family members of the de facto complainant. Thereafter the present police complaint was lodged as a counter blast to falsely implicate the petitioner, if possible. The police filed charge-sheet.

Learned Advocate appearing for the State draws the attention to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and her medical examination report.

There is a previous police complaint at the behest of the petitioner.

In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim claims that apart from her being ravished offensive videos and photographs were made viral on the internet. Such offensive materials were available with her family members.

In response to a query of the Court as to whether the police attempted to seize such offensive materials from the persons spoken of by the victim in her statement recorded under Section 164 of the Code of Criminal Procedure, learned Advocate appearing for the State submits that the police attempted to do so whereupon no offensive materials could be found.

In such circumstances, the plea of false implication cannot be overlooked at this stage. Consequently, we are inclined to 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 be 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 4537 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)