

30.09.2022.
41.
AD/KC
(Partly Allowed).

C.R.M. (A) 4766 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dholahat P. S.** Case No.**239 of 2022** dated **25.05.2022** under Sections **363/365** of the Indian Penal Code and added Section **376(2)(m)** of the Indian Penal code and under Section **6** of the POCSO Act.

In the matter of : Kaushik Halder & Anr.

... Petitioners.

Mr. Gouranga Kumar Das
Ms. Swati Mondal

...for the Petitioners.

Ms. Faria Hossain
Ms. Mamata Jana

.....for the State.

We have considered the materials on record including statement of the minor victim recorded under Sections 161/164 of the Code of Criminal Procedure. Petitioner no.1, Kaushik Halder, is the principal accused who committed rape on her. Accordingly, we are not inclined to grant anticipatory bail to him.

Keeping in mind the extent of complicity of the petitioner no.2, Joydeb Halder, father of petitioner no.1, in the crime, we are inclined to grant anticipatory bail to the petitioner no.2.

Accordingly, we direct that in the event of arrest the petitioner no.2 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 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 appear before the trial court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)