

31.10.2022
Serial no. 87
[Dd]
(Anticipatory Bail)
(**Allowed**)

CRM (A) 4835 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hili** Police Station Case No. **178** of **2022** dated **04.08.2022** under Sections **10** of the Protection of Children from Sexual Offences Act (corresponding Special Case No. **33 of 2022**)
-And-

In the matter of : **Shyamal Malo & Anr.**
... .. **Petitioners**

Mr. Kaushik Chaudhury,
Ms. Busra Khatun, Advocates
... .. *For the Petitioners*

Mr. Sudip Komar, Advocate
... ..*For the State*

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated. He submits that the incident spoken of is dated June 27, 2022. There is a previous police complaint dated July 10, 2022 where, the allegations of POCSO were not made. In the present police complaint, the section was incorporated in order to falsely implicate the petitioners.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statements of the victim recorded under Section 164 of the Criminal Procedure Code.

The incident spoken of in the statements recorded under Section 164 of the Criminal Procedure Code is of June 27, 2022. There is a police compliant dated July 10, 2022 with regard to

the same incident where, the allegations of POCSO were not there. The present police complaint is dated August 4, 2022.

The issue of false implication at this stage cannot overlooked.

In such circumstances, we are inclined to grant anticipatory bail to the petitioners.

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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 4835 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)