

15.11.2022
Serial no.12
Aloke

CRM (A) 5188 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 599 of 2021 dated 24.07.2021 under Sections 341/323/325/326/354/307/379/506/34 of the Indian Penal Code read with Section 4 and 18 of the POCSO Act.

-And-

In the matter of : **Musa Ali @ Mosharaf Hossain**

... .. Petitioner

Mr. Sujoy Sarkar, Advocate
Mr. Soupal Chatterjee, Advocate
Ms. Sucheta Banerjee, Advocate
... .. For the Petitioner

Ms. Faria Hossain, Advocate
Mr. Anand Keshari, Advocate
Ms. Baisali Basu, Advocate
... ..For the State

Petitioner seeks anticipatory bail.

The injury report does not suggest that the victim suffered grievous hurt.

The victim under POCSO Act is yet to record a statement under Section 164 of the Code of Criminal Procedure.

The police case is of July 24, 2021.

In such circumstances, 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 will report to the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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) 5188 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)