

25.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5464 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **659** of **2022** dated **15.10.2022** under Section 354 of the Indian Penal Code, 1860 and Sections 8/12 of the POCSO Act.

And

In Re : Sufian Sk @ Mondal

..... petitioner

Mr. Soumyajit Das Mahapatra
....for the petitioner

Mr. Abhra Mukherjee
Ms. Manisha Sharma
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The elder sister of the petitioner went to the police to lodge a police complaint against the father of the victim relating to outraging her modesty. The police did not receive such complaint. The jurisdictional Superintendent of Police was approached. Thereafter, the present police complaint was lodged.

The petition for anticipatory bail contains a letter, apparently, addressed to the Superintendent of Police, Murshidabad with regard to an incident of October 12, 2022 relating to outraging the modesty of a woman. The present police complaint is dated October 15, 2022.

In such circumstances, the issue of false implication of the petitioner cannot be overlooked at this stage.

Consequently, 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/-, 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 petitioner shall meet the Investigating Officer as and when called for till the conclusion of the investigation 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

