

05.12.2022
Serial no.7
Aloke

CRM (A) 5595 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Khanakul Police Station Case No. 469 of 2022 dated 03.11.2022 under Sections 363/365/354 of the Indian Penal Code and Sections 9/10 of the Child Marriage Act and Section 10 of the POCSO Act.

-And-

In the matter of : **Sk. Sabir Ali @ Mithu**

... .. Petitioner

Mr. Niladri Sekhar Ghosh, Advocate

Ms. Sompurna Chatterjee, Advocate

Mr. Sourav Mondal, Advocate

... .. For the Petitioner

Mr. Avishek Sinha, Advocate

... ..For the State

Mr. Partha Sarathi Mondal, Advocate

... .. For the de facto complainant

Petitioner seeks anticipatory bail.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure exonerates the petitioner although, she took a different stand in her statement recorded under Section 161 of the Code of Criminal Procedure which was earlier in point of time.

The de facto complainant is represented.

Learned Advocate appearing for the de facto complainant submits that the police registered the case suo motu.

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 before the Investigating Officer once in a month 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) 5595 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)