

19.12.2022

19

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5874 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagnan** Police Station Case No. **449** of **2021** dated **20.09.2021** under Sections 376(2)(f) of the Indian Penal Code, 1860 and Sections 4/ 8 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Sk. Abu Sufi @ Sekh Abusufiyan

..... petitioner

Mr. Tanmoy Chowdhury

Ms. Ritoprita Ghosh

....for the petitioner

Mr. Angshuman Chakraborty

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated due to village rivalry. He submits that, the victim is a married lady.

Learned advocate appearing for the State draws the attention of the Court to the Statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). He submits that, the victim refused medical examination.

There is a claim that the victim is already married. There is also a claim that the petitioner was falsely implicated due to village rivalry.

The victim recorded 164 Cr.P.C. statement. However, the victim refused to undergo any medical examination.

In such circumstances, 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 once a fortnight 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.)