

04.01.2022
Item no.12.
Court No.1.
S. De
(Allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM No. 1293 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No.500 of 2021 Dated 02.10.2021 under Sections 363/365 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act.

And

In the matter of: Jaidul Sekh @ Tale @ Jale & Ors.

.....Petitioners.

Mr. Sudip Guhafor the Petitioners.

Mr. A. S. Chakraborty, ld. APP

Mr. Biswarup Royfor the State.

The allegations are that the survivor girl, about fourteen years old at the relevant time, was kidnapped and then sexually exploited.

The petitioners say that they are not the principal accused. One Nazimul is the principal accused. The petitioners pray for anticipatory bail.

We have seen the statements of the survivor girl recorded under Sections 161 and 164 of the Code of Criminal Procedure. In her statement recorded under Section 164, the survival girl clearly implicates the petitioner no.1. In her statement recorded under Section 161, she implicates also the petitioner no.2.

In view of the material in the case diary and in view of the fact that chargesheet is yet to be filed, we are not inclined to grant anticipatory bail to the petitioner no.1 namely, Jaidul Sekh @ Tale @ Jale and petitioner no.2 namely, Chattar Ali @ Chhattar Sekh. The application for anticipatory bail is dismissed in so far as the petitioner nos.1 and 2 are concerned.

Prima facie, we do not find any incriminating material against the petitioner no.3. Hence, we allow this application in so far as petitioner no. 3 namely Najma Bibi @ Gendy Khatun @ Gendy Bibi is concerned.

Accordingly, in the event of arrest, the petitioner no.3, namely Najma Bibi @ Gendy Khatun @ Gendy Bibi shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.1293 of 2021 is, thus, allowed partly.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)