

13.01.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 130 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Labpur** Police Station Case No. **178** of **2022** dated **16.11.2022** under Sections 341/325/307/506/34 of the Indian Penal Code.
And

In Re : Haimanti Mandal @ Hoimonti Mondal

..... petitioner

Mr. Biswajit Hazra

Mr. Arif Mohammad Khan

Mr. Archisman Sain

....for the petitioner

Mr. Robiul Islam

Mr. K. M. Hossain

....for the de-facto complainant

Mr. Abhra Majumdar

Mr. Dipankar Mahato

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the present police complaint was filed as a counter blast to the earlier police complaint. The earlier police complaint involved the provision of the POCSO Act.

Learned advocate appearing for the State draws the attention of the Court to the statement recorded under Sections 161 and 164 of the Code of Criminal Procedure (Cr.P.C.) as also to the injury report.

Learned advocate appearing for the de-facto complainant submits that, the petitioner was involved in the incident as

appearing from the statement recorded under Section 164 Cr.P.C.

The 164 Cr.P.C. statement suggest that, minors were sexually assaulted.

These aspects of POCSO Act are not corroborated by the 161 Cr.P.C. statements of the neighbours. The neighbour stated that, the two families quarrel often.

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 cooperate with the Investigating Officer 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.)