

17.01.2023
Serial no. 39
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 211 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **1018** of **2021** dated **21.09.2021** under Sections **363/365** of the Indian Penal Code subsequently Chargesheeted under Sections 363/365 of the IPC read with Section 4 of the POCSO Act.

-And-

In the matter of : **Sarfaraj Sk. @ Saruf Sk**
... .. Petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder , Advocates
... .. *For the Petitioner*

Ms. Zareen N. Khan,
Mr. Ashok Das,, Advocates
... ..*For the State*

Police filed charge sheet.

Age of the petitioner apparently is about 20 years.

We considered the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

Taking the petitioner into custody at his age may negatively impact the petitioner which may not be appropriate for the society.

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 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) 211 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)