

25.01.2023

Sl.6

Court No.29

(AD)

(Allowed)

C.R.M. (A) 315 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No.**700 of 2022** dated **06.08.2022** under Sections **363/342/506/195A/120B/464/470/471** of the Indian Penal Code and under Section **6** of the Protection of Children from Sexual Offences Act. (Special Case No.70/2022).
And

In the matter of: **Samim Akhter @ Aktar**

....petitioner.

Mr. Sagar Saha

...for the petitioner.

Mr. Iqbal Kabir

...for the State.

Ms. Minoti Gomes

... for the de facto complainant.

Petitioner prays for anticipatory bail.

Petitioner claims parity with the other co-accuseds who were granted anticipatory bail by the order dated December 15, 2022 passed in CRM (A) 5844 of 2022.

The claim for parity is disputed on behalf of the State.

Learned Advocate appearing for the State submits that there is a statement recorded by a doctor under Section 164 of the Code of Criminal Procedure where such doctor claims that the petitioner before the Court made him write a false medical report in respect of the victim.

De facto complainant is represented.

The case involves a minor who claims to be abducted and sexually assaulted.

The person who the minor claims to sexually assault her was

granted anticipatory bail by the Sessions Court.

Two of the relatives of such principal accused were enlarged on anticipatory bail by this Court on December 15, 2022.

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/- (Rupees Ten Thousand Only), with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 315 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)