

31.01.2023
Serial no. 17
[Dd]
(Anticipatory Bail)
(Allowed)

CRM (A) 378 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **508** of **2022** dated **07.11.2022** under Sections **341/379/354B/308/325/34** of the Indian Penal Code read with added Section **8** of Protection of Children from Sexual Offences Act, 2012 corresponding to POCSO case no. 65 of 2022.

-And-

In the matter of : **Noor Jamal Sk @ Nurjamal Sk & Ors.**
... .. **Petitioners**

Mr. Kalidas Saha, Advocate
... .. *For the Petitioners*

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan, Advocates
... ..*For the State*

The victim in her statement recorded under Section 164 of the Criminal Procedure Code does not speak of any sexual assault being committed on her.

Apparently, there are pre-existing disputes between the private parties.

There is an issue of false implication involved.

In such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 nos. 1, 2, and 3 shall report

before the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner nos. 4 and 5 shall cooperate with the investigation till its completion and on further condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 378 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)