

09.02.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 584 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beldanga** Police Station Case No. **737** of **2022** dated **01.12.2022** under Sections 376/506 of the Indian Penal Code read with Section 4 of the POCSO act.

And

In Re : Hira Sk @ Hera

..... petitioner

Mr. S. Chatterjee

Mr. Joy Chakraborty

Mr. Sandip Dinda

....for the petitioner

Ms. Chandrima Debnath

....for the de-factocomplainant

Md. Anwar Hossain

Ms. Ratna Ghosh

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required. The principal accused is still in custody. The petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Learned advocate for the de-facto complainant submits that, the petitioner and the principal accused were threatening the victim.

In response to query of the Court as to whether any police complaint was lodged with regard to such threats, learned advocate for the de-facto complainant could not answer the same.

Learned advocate for the State submits that, he is not aware of any threats were being made.

Considering the materials in the case diary, the involvement of the petitioner and the fact that the police filed charge-sheet, 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 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.)

