

20.03.2023

Sl.6

Court No.29

(AD)

(Allowed)

C.R.M. (A) 974 of 2023

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

And

In the matter of: **Dr. Mahatabuddin Ahamed @ Mahatab Ahmad**petitioner.

Mr. Kallol Mondal
Mr. Soumik Das
Ms. Sabnam Laskar

...for the petitioner.

Mr. Joydeep Roy
Mr. Amanul Islam

...for the State.

In terms of the order dated March 13, 2023, police informed the victim as to the pendency of the application for anticipatory bail.

Despite service, none appears for the de facto complainant.

Report submitted in Court in this regard be taken on record.

A doctor is before us seeking anticipatory bail.

Apparently, the petitioner before us claims that he was forced to issue a false medical certificate in relation to a victim concerning a police case, *inter alia*, under the provisions of the POCSO Act.

Apparently, the petitioner before us acted as a doctor in his professional capacity.

Need for custodial interrogation of the petitioner is not felt particularly in view of other co-accuseds being enlarged on anticipatory bail.

The police filed charge sheet.

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) 974 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)