

15.03.2023

Serial no. 10

[Dd]

(Anticipatory Bail)

(Allowed)

CRM (A) 1029 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Taltala** Police Station Case No. **147** of **2022** dated **24.11.2022** under Sections **354/506/323/34** of the IPC and **10** POCSO Act, adding Section **18** of POCSO Act.

-And-

In the matter of : **Husna @ Husna Begum & Ors.**

... ... **Petitioners**

Ms. S. Bhattacharjee

Mr. Dipanjan Chatterjee,

Mr. Asit Nayek, Advocates

... ... *For the Petitioners*

Mr. Swapan Banerjee,

Mr. Anindya Sundar Chatterjee, Advocates

... ...*For the State*

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated. There was a previous complaint against the family members of the de facto complainant with regard to an incident of assault. It is thereafter, the present police complaint was lodged. She submits that, all the petitioners are ladies and, therefore, the involvement of the petitioners in the sexual assault on the victim as well as outraging of modesty do not arise.

Learned advocate appearing for the State draws the attention of the Court to the statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code as also the statement of the victim recorded under Section 164 of the Criminal Procedure Code and the medical examination report of the victim.

The victim in her statement recorded under Section 164 of the Criminal Procedure Code does not ascribe any role to any of the petitioners in the claim of sexual assault on her.

There is a previous police complaint against the family members of the de facto complaint.

Police filed charge sheet.

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 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) 1029 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)