

13.03.2023
Serial no. 99
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 1031 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **297** of **2022** dated **14.06.2022** under Sections **4** of the POCSO Act read with Sections **341/323/325/34** of the IPC.

-And-

In the matter of : **Sk. Ejajul**

... .. Petitioner

Mr. Rana Mukherjee,
Mr. Rhiddhiman Mukherjee, Advocates
... .. *For the Petitioner*

Mr. S. S. Imam,
Mr. R. Jana, Advocate
... ..*For the State*

Affidavit-of-service filed in Court be taken on record.

None appears for the victim.

State is represented.

The statement of the victim recorded under Section 164 of the Criminal Procedure Code suggests that, there was an incident of assault in which the petitioner participated.

The assault was on one of the parents of the victim. Apparently, the victim claims that, she was touched inappropriately by the petitioner.

In view of the claim made in the statement recorded under Section 164 of the Criminal Procedure Code an impression is given that an incident of assault took place and that provisions of the Protection of Children from Sexual Offences Act, 1912 were sought to be incorporated.

Police filed charge sheet.

In such circumstances, we are inclined to 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 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 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.

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

CRM (A) 1031 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)