

20.03.2023

18

Ct. No. 29

CHC

Allowed

C.R.M.(A) 1131 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **212** of **2023** dated **21.02.2023** under Sections **448/376/511/325/506/34** of the Indian Penal Code and Sections **8/12/17** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Arju Seikh & anr.

..... petitioners

Ms. Minoti Gomes

....for the petitioners

Mr. Angshuman Chakraborty

....for the State

Two victims refused medical examination.

None of the two victims claimed that petitioners before us were involved in the attempt to rape. Apparently, as against the two petitioners there are allegations of assault.

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

Accordingly, we direct that in the event of arrest the petitioners will be released on bail upon furnishing a bond of Rs.10,000/- 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 that petitioner no.1, namely,

Arju Seikh will report before the Investigating Officer once in a month till the conclusion of investigation and petitioner no.2, namely, Asha Bibi will cooperate with the Investigating Officer till the conclusion of the investigation 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 accuseds 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)