

28.03.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1260 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 Indian Penal Code, 1860 and Section 10 of the POCSO Act and adding Section 18 of the POCSO Act.

And

In Re : Muskan @ Afreen Khatoon & Ors.

..... petitioner

Mr. D. Chatterjee

Mr. S. Bhattacharya

Mr. Asit Nayek

....for the petitioner

Mr. Abhra Mukherjee

Ms. Manisha Sharma

....for the State

Police filed charge-sheet.

Lady co-accuseds were granted anticipatory bail by the order dated March 15, 2023 on the ground that, no particular role were ascribed to them by the victim recording the statement under Section 164 of the Code of Criminal Procedure.

Apparently, there is a previous police complaint amongst the private parties.

Apparently, an incident of assault took place.

Apparently, in such incident of assault, a large number of persons were involved. Ladies were also present at the time of the incident. It is in such milieu that the victim claims that, she was inappropriately touched.

Again, no particular role is ascribed to the present petitioners.

In such circumstances, we 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/- 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)