

30.03.2023

Serial no. 11

[Dd]

(Anticipatory Bail)

(Allowed)

CRM (A) 1287 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **157** of **2023** dated **25.02.2023** under Sections **448/354/379/506/34** of the IPC and Section **8** POCSO Act.

-And-

In the matter of : **Tusar Kanti Biswas & Anr.**

... .. **Petitioners**

Mr. Robiul Islam,
Mr. Raju Mondal, Advocates
... .. *For the Petitioners*

Mr. Imran Ali,
Ms. Debjani Sahu, Advocates
... .. *For the State*

Mr. Amanul Islam,
Mr. Arup Sarkar,
Mr. Sourav Mukherjee, Advocates
.. .. *For the de facto complainant*

Apparently, there are seven previous criminal cases as against the husband of the de facto complainant lodged at the behest of the petitioners and their family members by the students.

There is an element of false implication as against the petitioners.

There is a statement recorded under Section 164 of the Criminal Procedure Code, where, the victim claims that she was touched all over her body parts. The victim refused to undergo any medical examination. The claim made by the victim under Section 164 of the Criminal Procedure Code remains uncorroborated at this stage.

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 report before the Investigating Officer as and when called for 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 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) 1287 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)