

13.04.2023

Sl.8

Court No.29

(AD)

(Allowed)

C.R.M. (A) 1518 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 and **10** of POCSO Act, Adding Section **18** of POCSO Act, being Crl. Misc. Case No.18 of 2023 and POCSO Case No.36/2022.

And

In the matter of: **Ishtiyaque Ali @ Ishtiaque Ali & Anr.**

....petitioners.

Mr. Dipayan Chatterjee

Mr. Asit Nayek

Mr. S. Bhattacharjee

...for the petitioners.

Ms. Faria Hossain

Ms. Baisali Basu

Ms. Mamata Jana

...for the State.

Petitioners pray for anticipatory bail.

The case diary contains two statements recorded under Section 164 of the Code of Criminal Procedure; both by the victim.

Apparently, there was a family gathering in which, disputes broke out between the family members and an incident of assault took place.

In such melee, apparently, there are allegations of outraging of modesty as also bad touch on a minor.

Police filed charge sheet.

Ladies co-accused were granted anticipatory bail.

Presence of ladies in the incident cannot be overlooked.

In such background, 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/- (Rupees Ten Thousand Only) each, with two sureties of like amount each to the satisfaction of the Arresting Officer and also 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.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 1518 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)