

11.04.2023

Serial no. 36

[Dd]

(Anticipatory Bail)

(**Partly Allowed**)

CRM (A) 1526 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Ranitala** Police Station Case No. **445** of **2022** dated **06.10.2022** under Sections **363/365/34** of the IPC and adding Section **4** of the POCSO Act, 2012.

-And-

In the matter of : **Altab Hossain Sk. @ Altabur Sk. & Anr.**

... .. Petitioners

*Mr. Jisan Iqbal Hossain,
Ms. Chandrima Debnath, Advocate
... .. For the Petitioners*

*Mr. Bidyut Kr. Roy,
Ms. Rita Datta, Advocates
... ..For the State*

The victim named five persons who kidnapped her. She named one person who raped her. Such persons were named in her statement recorded under Section 164 of the Criminal Procedure Code.

The second petitioner is a person named by the victim in her statement recorded under Section 164 of the Criminal Procedure Code who was instrumental in kidnapping her.

In such circumstances, we are not inclined to grant anticipatory bail to the second petitioner (Senarul Sk.)

So far as the first petitioner is concerned, he is not named as a person involved in the offences of kidnapping and rape, by the victim.

In such circumstances, we are inclined to grant anticipatory bail to the first petitioner (Altab Hossain Sk. @ Altabur Sk.)

Police filed charge sheet.

Accordingly, we direct that in the event of arrest the petitioner no. 1 (Altab Hossain Sk. @ Altabur Sk.) 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 no. 1 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 no. 1 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner no. 1 is **allowed.**

Prayer for anticipatory bail of the petitioner no. 2 is **rejected.**

CRM (A) 1526 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)