

18.04.2023

Serial no. 15

[Dd]

(Anticipatory bail)

(Allowed)

CRM (A) 1608 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **1448** of **2022** dated **22.09.2022** under Sections **363/365** of the Indian Penal Code and with adding Section **376(3)** of the IPC and adding Sections **6/17** of POCSO Act, 2012. Registered as POCSO Case no. 175/2022.

-And-

In the matter of : **Samsuddin**

... .. Petitioner

*Mr. Kollol Mondal,
Mr. Musharraf Alam Sk.
Mr. Krishan Roy,
Ms. Susmita Ghorai, Advocates
... .. For the Petitioner*

*Ms. Faria Hossain,
Mr. Anand Keshari, Advocates
... ..For the State*

The petitioner before us is similarly situated and circumstanced as that of the two petitioners in CRM (A) 1014 of 2023 which was disposed of by an order dated March 13, 2023 granting anticipatory bail to such co-accuseds.

The fact that the petitioner is similarly situate as such co-accuseds is not being disputed on behalf of the State.

One of the principal co-accused was denied anticipatory bail. The principal accused was taken into custody by the police.

Police filed charge sheet.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner 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 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 1608 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)