

20.04.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1670 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Medinipur All Women** Police Station Case No. **26** of **2023** dated **18.03.2023** under Sections 376(3)/323/307/34 of the Indian Penal Code and under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Imam Ali

..... petitioner

Mr. S. S. Roy

Mr. Pronojit Roy

....for the petitioner

Mr. Arijit Ganguly

Mr. Sanjib Kumar Daan

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. There are property disputes between the family members. A civil suit is pending.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) as well as the medical examination report.

The medical examination report suggests that there was an incident of assault. The 164 Cr.P.C. statement of the victim

also speaks of an incident of assault where ladies were also involved.

In such circumstances, whether there was any offence committed under Section 4 of the POCSO Act, 2012 or not may be looked at the trial.

In such circumstances, we 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/-, 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 meet the Investigating Officer once a month till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

