

24.04.2023

20
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1726 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chakdah** Police Station Case No. **207** of **2023** dated **11.04.2023** under Sections **341/354** of the Indian Penal Code, 1860 read with Section **8** of the Protection of Children From Sexual Offences Act, 2012.

And

In the matter of : Elias Ali Mallick @ Md. Elias Ali Mallick
@ Illiyas Mallick

..... petitioner

Shibaji Kumar Das

....for the petitioner

Mr. Joydeep Roy,
Mr. Amanul Islam

....for the State

There is a previous police complaint as against the family members of the victim with regard to ransacking of the gift shop belonging to the petitioner.

There are two statements recorded under Section 164 of the Criminal Procedure Code of the two victims.

At this stage, the case diary does not contain any statement recorded under Section 161 of the Criminal Procedure Code of any independent person corroborating the name of the victim.

There is an issue of false implication.

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/- (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 meet the Investigating Officer once in a month till the conclusion of 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.)

(Rai Chattopadhyay, J.)

