

19.05.2023

13

Ct. No. 29

CHC

Allowed

C.R.M.(A) 2082 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with C. Special Case No.12/2023 arising out of **Islampur** Police Station Case No. **57** of **2023** dated **17.02.2023** under Sections **363/365/34** of the Indian Penal Code and adding Section **376** of the Indian Penal Code and Section **4** of the Protection of Children from Sexual Offences Act.

And

In the matter of : Kanu Bibi @ Fatema Bibi

..... petitioner

Mr. Tapodip Gupta

....for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.

Mr. Soumik Ganguli

....for the State

Mr. Susnigdho Bhattacharyya,

Mr. P. Mondal

....for de facto complainant

Petitioner, State and the de facto complainant are represented.

We perused the written complaint of the mother of the victim.

The written complaint speaks of an earlier incident where the victim girl went voluntarily with the principal accused and was unwilling to return to her mother.

The victim in her statement recorded under Section 164 of the Criminal Procedure Code named the principal accused as the person who raped her. She did not ascribe any role so far as

the petitioner is concerned. In fact, the petitioner is not named in the statement recorded under Section 164 of the Criminal Procedure Code.

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 will cooperate with the investigating officer till the conclusion of the investigation and on further condition that 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.)

