

19.07.2023

ML. 141
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2539 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Spl. Case No. **64 of 2022** arising out of **Kushmundi** P.S. Case No. **262 of 2022** dated **03.12.2022** under Sections **447/325/326/379/307/34** of the IPC and Section **12** of the POCSO Act pending before the learned Special Judge (POCSO Act), Gangarampur at Buniadpur, Dakshin Dinajpur.

And

In the matter of: **Rafikul Islam**

....petitioner.

Mr. Habibur Rahaman

...for the petitioner.

Mr. Zareen N. Khan

Mr. Asif Dewan

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed by them including the injury report in respect of the victim. From the injury report it is found that the victim has suffered one fracture of her left arm. Admittedly the transaction happened following civil dispute and pending suit before the competent civil Court over a piece of land. Charge-sheet is stated to have been filed.
3. Regard being had to facts and submissions, factum of permanent residence of the petitioner, nature of injury as discussed (Supra) and completion of investigation, it is directed that the petitioner shall surrender before the learned Special Judge (POCSO Act), Gangarampur at Buniadpur, Dakshin Dinajpur within 15 days from today in Spl. Case No. 64 of 2022 arising out of aforesaid P.S. case. On his appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

4. The learned Special Judge (POCSO Act) is directed to act upon the server copy of this order, if required.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2539 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

