

12.07.2023
(D/L 30)
Ct. No.29
Allowed
(SKB)

CRM (A) 2763 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Manikchak P.S. Case No.169 of 2023 dated 20.03.2023 under Sections 448/326/34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

In the matter of : Sk. Sapiruddin @ Kurban and another
... petitioners

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
... for the petitioners

Mr. Bidyut Kr. Roy,
Ms. Rita Datta
... for the State

1. Heard the learned Counsel for the parties. Charge-sheet is stated to be filed in the meantime.
2. Admittedly, there is no prima facie offence under Section 326 IPC against the petitioners. From the statement of the victim recorded under Section 164 of the Cr.P.C., we find that present petitioner no.1 tore the wearing apparels of the victim and present petitioner no.2 threatened her to commit rape.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation and filing of charge-sheet, it is directed that each of the petitioners shall appear before the learned Judge, Special Court, Malda, 2nd Court under POCSO Act in the special case arising out of Manikchak Police

Station Case No.169 of 2023 within 15 days from today and in the event of their appearance and application for bail, each of them shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

4. Accordingly, the prayer for the anticipatory bail is allowed.
5. The application being CRM(A) 2763 of 2023 is disposed of.
6. The learned court below is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)