

08.08.2023

SL. 11

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2784 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Panchla** Police Station Case No. **367** of **2021** dated **02.11.2021** under Sections **448/323/354/427/506/509/34** IPC read with Section **12** of the POCSO Act (corresponding to Special T.R. No. 9 of 2022).

And

In the matter of: **Sahib Khan alias Saip Khan**

....petitioner.

Mr. Debajyoti Deb
Ms. Somdyuti Parekh

...for the petitioner.

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

... for the State.

1. Heard learned Counsel for the parties.
2. Considered the materials placed by the learned Counsel for the parties including the statement of the victim recorded under Section 164 Cr.P.C.
3. From the statement of the victim, we do not find any ingredients to constitute offence under Section 12 of the POCSO Act at least *prima facie* on the basis of police papers.
4. Charge-sheet is stated to have been filed in the meantime.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional Sessions Judge, 2nd Court – cum – learned special Judge (POCSO Act), Howrah in Special T.R. Case No. 9 of 2022 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail he shall be

released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that the petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.

6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2784 of 2023** is disposed of.
8. Learned Additional Sessions Judge, 2nd Court – cum – learned special Judge (POCSO Act), Howrah is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

