

22.08.2023
ML. 320
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3125 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kumarganj** Police Station Case No. **88 of 2023** dated **02.04.2023** under Sections **363/365/323/34** of the IPC read with Section **4** of the POCSO Act.

And

In the matter of: **Joynal Abedin Mandal & Anr.**

....petitioners.

Mr. Kaushik Choudhury
Ms. Busra Khatoon

...for the petitioners.

Md. Anwar Hossain
Ms. Sreyashee Biswas

...for the State.

1. Heard learned Counsel for both the parties.
2. The present petitioners are stated to be the parents of the principal accused. The victim is stated to have been recorded in the meantime and her statements under Sections 161 and 164 Cr.P.C. have already been recorded.
3. From the statement of the victim, we do not find any material to connect the petitioners with the offence under Section 4 of the POCSO Act or the main offence under Section 365 IPC at least *prima facie*.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

6. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 3125 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

