

01.09.2023

SL. 4

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3316 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Khanakul** Police Station Case No. **440** of **2023** dated **01.07.2023** under Sections **341/448/427/354(b)/506/34** IPC.

And

In the matter of: **Nilima Begum & Ors.**

....petitioners.

Ms. Devi Priya Mitra

Ms. Juin Dutta Chakraborty

...for the petitioners.

Md. Anwar Hossain

Ms. Sreyashee Biswas

...for the State.

1. Heard learned Counsel for the parties.
2. Learned Counsel for the petitioners does not want to press this application for anticipatory bail in respect of petitioner no. 2 (Sk. Siraj) as there is some doubt regarding the name of the aforesaid petitioner inasmuch as in the FIR and CD, petitioner no. 2 is named as Sk. Miraj.
3. It is submitted by learned Counsel for the petitioner that for the time being she is not pressing the application for anticipatory bail in respect of petitioner no. 2 (Sk. Siraj) with liberty for the said petitioner no. 2 to file afresh with better particulars.
4. Accordingly, the present application for anticipatory bail in respect of petitioner no. 2 (Sk. Siraj) is dismissed as 'not pressed' with the aforesaid liberty given to him.
5. So far as the other petitioners, viz., petitioner no. 1 (Nilima Begum), petitioner no. 3 (Sk. Azad), petitioner no. 4 (Sk.

Karim) and petitioner no. 5 (Taimura Begum) are concerned, it is fairly submitted at the Bar that there is no allegation against them in respect of the offence punishable under Section 354(b) IPC or under Section 8 of the POCSO Act.

6. Regard being had to the facts and submission, factum of permanent residence of the petitioners (except petitioner no. 2), nature of allegation and substantial progress in investigation, it is directed that each of the petitioners (except petitioner no. 2) shall be released on bail in the event of their arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
7. The petitioners (except petitioner no. 2) are directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 3316 of 2023** is disposed of.
10. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

