

17.08.2023

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Allowed

C.R.M. (A) No. 3367 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pandua Police Station Case No. 338 of 2023 dated 26.06.2023 under Sections 448/323/376(2)(n)/379/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And
In Re : Sk. Kayem Ali petitioner

Mr. Suman Chakraborty
.....for the petitioner

Mr. Shiladitya Banerjee
....for the State

Mr. Arunava Ganguly
..... for de facto complainant

1. Learned Counsel for the petitioner submits there is a civil dispute between the parties. As a result he has been falsely implicated. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3.Learned Counsel for the de facto complainant appears.

4.We have considered the materials on record. Allegation of rape of the minor requires to be assessed in the light of the pending civil dispute between the parties. Keeping in mind the aforesaid facts, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

5.Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of

Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

6.This application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)