

13.09.2023
ML. 38
Court No. 29
Suvayan
(Partly Allowed)

C.R.M. (A) 3645 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kaliachak** Police Station Case No. **488 of 2023** dated **25.04.2023** under Sections **363/365/34** of the IPC and Section **6** of the POCSO Act.

And

In the matter of: **Kownik Anwar & Ors.**

....petitioners.

Mr. Arup Kumar Bhowmick

...for the petitioners.

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

...for the State.

1. Heard learned Advocate for the petitioners and learned Advocate for the State.
2. We have meticulously gone through the materials of the Case Diary as placed before us including the statement of the victim as recorded under Section 164 Cr.P.C. From such statement it reveals that it is the version of the victim that on the fateful day and hour she was forcefully kidnapped by the principal accused, Mobarak Sk., his mother (present petitioner No. 3) along with 4-5 persons who took him to a village (16 miles) and, thereafter, arranged marriage of her with the said Mobarak Sk. It is the further version of the victim that though she did not know the said 4-5 persons but she would be able to identify those 4-5 persons if they are shown to her.
3. Regard being had to the facts and submissions and the fact that the question of identification being involved, we are not inclined to exercise of our discretion under Section 438 Cr.P.C. in respect of the petitioners except petitioner No. 3, Anjura Bibi.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner No. 3, Anjura Bibi, nature of allegation, and substantial progress in investigation, it is directed that the petitioner No. 3, Anjura Bibi shall be released on bail by the Arresting Officer in the event of her 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 the petitioner No. 3, Anjura Bibi 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. So far as the petitioner No. 1, Kownik Anwar, petitioner No. 2, Habikul Sekh, petitioner No. 4, Naimuddin Sekh and petitioner No. 5, Md. Asgar Hossain are concerned their prayer for anticipatory bail is rejected.
8. Accordingly, the prayer for the anticipatory bail is partly allowed.
9. The application being **CRM (A) 3645 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

