

29.09.2023
Sl. No.52
akd
[ALLOWED]

C. R. M. (A) 3708 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.08.2023 in connection with Domjur Police Station Case No. 530 of 2023 dated 28.07.2023 under Section 10 of the POCSO Act.

And

In Re: ***Manjur Alam Sk. @ Manjur***

... .. Petitioner

Mr. Sandip Chakraborty
Mr. Kaustav Das

... .. for the petitioner

Mr. Sourav Mukherjee

... .. for the de-facto complainant

Mr. Prasun Kumar Datta .. Id. Addl. Public Prosecutor
Mr. Santanu Deb Roy

... .. for the State

1. It is submitted on behalf of the petitioner that he is a member of a political party and has been falsely implicated. Allegation of sexual assault is out and out false. Accordingly, he prays for anticipatory bail.
2. Learned Additional Public Prosecutor opposes the prayer for anticipatory bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail.
4. We have considered the materials on record including the statement of the victim girl. Victim stated she was kidnapped, disrobed and bitten on the cheek. No external injury appears from the medical report. Allegation of kidnapping is to be seen in the light of the aforesaid circumstances and the possibility of false implication due to political affiliation. Under such circumstances, we are of the opinion custodial interrogation of the accused/petitioner may not be

necessary in the facts of the present case and he may be granted anticipatory bail but his movement requires to be restricted in order to instil confidence in the minds of the victim and her family members.

5. Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Manjur Alam Sk. @ Manjur**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Domjur Police Station and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. He shall appear before the court below and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)