

08.09.2023

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[Allowed]

C. R. M. (A) 3734 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 under Section 6 of the POCSO Act.

In Re: **Sk. Mahin Uddin @ Moinuddin & Anr.**

... ... Petitioners

Mr. Suman Chakraborty.

... ... for the petitioners

Mr. Neguive Ahmed, Id. A.P.P.,

Ms. Ayantika Roy.

... ... for the State

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. There was civil dispute between the parties. Co-accused has been granted anticipatory bail.
3. In view of the aforesaid circumstance, we are of the opinion custodial interrogation of the petitioners are not necessary and they may be granted anticipatory bail.
4. Accordingly, we direct that in the event of arrest, the petitioners viz., 1) Sk. Mahin Uddin @ Moinuddin and 2) Sekh Samsuddin @ Sk. Samsuddin be released on bail upon furnishing a bond of Rs.10,000/- each, 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 they shall appear before the court below and pray for regular bail within four weeks from date.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)