

03.01.2023

Sl.38

Court No.29

(AD)

(Partly
Allowed)

C.R.M. (A) 6096 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **1093 of 2022** dated **10.12.2022** under Sections **341/376/511/323/307/506/34** of the Indian Penal Code & **8** of POCSO Act.

And

In the matter of: **Badar Ali Mondal @ Badar Uddin Mondal & Anr.**

....petitioners.

Mr. Asraf Mandal

...for the petitioners.

Mr. Tanmoy Kumar Ghosh, Ld. Sr. Government Advocate

Mr. Arindam Sen

...for the State.

Petitioners pray for anticipatory bail.

Leave granted to correct the cause-title.

The minor in her statement recorded under Section 164 of the Code of Criminal Procedure squarely implicates the second petitioner, namely, Sadikul Mondal .

Her statement, however, does not implicate the first petitioner.

In such circumstances, we grant anticipatory bail to the first petitioner, namely, Badar Ali Mondal @ Badar Uddin Mondal.

Accordingly, we direct that in the event of arrest, the petitioner no.1 shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner no.1 will report before the Investigating Officer once a

week till the conclusion of the investigation and on condition that the petitioner no.1 shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner no.1 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner no.1, namely, Badar Ali Mondal @ Badar Uddin Mondal, is allowed.

So far as the second petitioner, namely, Sadikul Mondal, is concerned, we are unable to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail of the second petitioner, namely, Sadikul Mondal, is rejected.

C.R.M. (A) 6096 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)