

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

10.03.2023.
17.
as
(Allowed).

C.R.M. (A) 160 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sitalkuchi P. S. Case No.235 of 2022 dated 23.08.2022 under Sections 363/365/109 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Zakir Hossain @ Jakir Hossain & Anr.
... Petitioners.

Mr. Hillol Saha Podder,
Ms. Mousumi Das,
...for the Petitioners.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar.
.....for the State.

Petitioners submit they are relations of the principal accused. They have been falsely implicated. Principal accused is in custody. They pray for anticipatory bail.

Learned Advocate for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the minor. Possibility of false implication of the petitioners owing to enmity cannot be ruled out. Principal accused is in custody.

Under such circumstances, we are of the opinion custodial interrogation of the petitioners for progress of

investigation is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners viz., Zakir Hossain @ Jakir Hossain and Rahul Hussain @ Rahul Hossain shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the trial court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)