

26.09.2023.

Item No. 30

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 759 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 06.09.2023 in connection with Tufanganj Police Station Case No. 614 of 2023 dated 20.07.2023 under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Sahidul Hoque & Anr.** ...petitioners

Mr. Hillol Saha Poddar,

Ms. Mousumi Das.

...For the petitioners

Mr. Aditi Shankar Chakraborty, APP

Mr. Subhasish Misra.

....For the State

1. The application for anticipatory bail is made on the ground that the principal accused, namely, Mahibul Haque, has been granted anticipatory bail by a Co-ordinate Bench of this Court on 29th August, 2023.
2. The said Bench found that there are inconsistencies between the statements recorded under Section 164 of the Code of Criminal Procedure and the Medical Report. It is further found that the complaint itself was lodged 23 days after the incident.
3. This Court has carefully scrutinized the case diary and the statements recorded under Sections 161 and 164 of the Code of Criminal Procedure, 1973.

4. Considering the nature of the allegations and in view of the facts stated hereinabove, this Court is inclined to allow the application for anticipatory bail of the petitioners.

5. It is directed that in the event of arrest, the petitioners shall be released on bail to the satisfaction of the arresting officer upon furnishing Bond of Rs.10,000/- each with two sureties of Rs.5,000/- each, one of whom must be local.

6. This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

7. The Case Diary be returned.

8. C.R.M. (A) No. 759 of 2023 is, thus, disposed of.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)