

07.02.2024

Serial no. 35

Anticipatory Bail

[Allowed]

Dd

CRM (A) 377 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **1489** of **2023** dated **21.11.2023** under Sections **363/365** of the Indian Penal Code, 1860 and Sections **16/17/18** of the POCSO Act, 2012.*

-And-

In the matter of : **Hajjul Sekh & Anr.**

... .. Petitioners

Mr. Mazahar Hossain Chowdhury, Advocate

... .. For the Petitioners

Mr. Sanjoy Bardhan,

Ms. Manasi Roy, Advocates

... ..For the State

Affidavit-of-service filed in Court be taken on record.
None appears for the victim.

Victim apparently claims herself to be 16 years of age.

Age of the victim may be decided at the trial. Victim recorded a statement where, she claimed that she was abducted by the son of the petitioners and kept confined. Significantly victim claims that she was kept confined for more than 6 days. First information report is at the behest of the father of the victim who claims that the confinement was about 10 days. However, missing diary was not lodged.

Medical of the victim was refused.

In such conspectus, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of

Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be 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 no.1 shall report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner no. 2 shall cooperate with the investigation till its completion and on further condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 377 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)