

26.02.2024

19

Ct. No. 29

S.D.

Allowed

C.R.M.(A) 639 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **830 of 2023** dated **08.10.2023** under Sections **341/325/326/354/34** of the Indian Penal Code and Section 12 of the POCSO Act.

And

In Re : **Tajamul Hoque @ Tajamul Rahaman**

..... petitioner

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

Md. Sontu Mia

...for the petitioner

Mr. Sujan Chatterjee

...for the State

Victim is a minor who recorded a statement under Section 164 of the Cr.P.C. where she speaks of an incident of assault. She also speaks of her wearing apparels being torn. The victim, however, refused to undergo any medical examination.

Police filed charge sheet.

As to whether the petitioner is involved in the offence under the POCSO Act, may be decided at the trial.

Police filed charge sheet.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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. The petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)