

28.02.2024
03
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 657 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hariharpara** Police Station Case No. **561 of 2023** dated **19.12.2023** under Sections **363/365/34** of the Indian Penal Code and added Section **6** of the POCSO Act and **376(3)** of the Indian Penal Code.

And

In Re : **Jarifa Khatun**

..... petitioner

Mr. Robiul Islam

Mr. Raju Mondal

Mr. M. Rahaman

...for the petitioner

Mr. Anand Keshari

...for the State

Police filed charge sheet inter alia under Section 363/365/34 of the Indian Penal Code, 1860 as against the petitioner before us. Other Sections were added so far as the other co-accused in the police case are concerned.

We perused the statement of the victim recorded under Section 164 of the Cr.P.C.

We do not find from such statement that the victim named the petitioner as being involved in the kidnapping.

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.)