

29.02.2024

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Ct. No. 29

S.D.

Allowed

C.R.M.(A) 708 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gazole** Police Station Case No. **297 of 2015** dated **10.06.2015** under Section **376** of the Indian Penal Code with Section 4 of the POCSO Act.

And

In Re : **Israfil @ Esrul Rahaman**

..... petitioner

Mr. Tapan Datta Gupta

Mr. Parvej Anam

Ms. Ipsita Ghosh

...for the petitioner

Mr. A.K. Dutta

...for the State

The police case is dated June 10, 2015.

Police initially filed a final report stating that there was a mistake as to fact. On further investigation the police filed a supplementary charge sheet as against the petitioner.

Supplementary charge sheet was filed in 2019.

Case diary contains the statement of the victim recorded under Section 164 of the Cr.P.C., which is essentially one of exoneration.

In such circumstances, we deem it appropriate to 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.)