

01.03.2024
07
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 728 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dalkhola** Police Station Case No. **60 of 2023** dated **09.09.2023** under Sections **448/323/324/307/354/379/427/34** of the Indian Penal Code and added Section **8** of the POCSO Act, 2012.
And

In Re : **Litan Barai**

..... petitioner

Md. Wasim Akram

...for the petitioner

Mr. Sanjoy Bardhan

Mr. S. Kundu

...for the State

Affidavit of service filed in Court be taken on record.

None appears for the defacto-complainant.

An incident of assault took place.

Injuries suffered are not classified as grievous hurt.

Two ladies recorded a statement under Section 164 of the Cr.P.C. implicating the petitioner before us in touching them. The statements of such persons, however, do not suggest that their modesty were outraged.

Apparently, in the melee of the physical assault, they were also subjected to assault. As to whether the petitioner is guilty of the offences alleged in the POCSO Act, 2012, may be decided at the trial.

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 will report before the Investigating Officer once a week till the conclusion of the investigation. 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.)