

24.04.2024

DL-42
Court No.29
(AD)
(Allowed)

C.R.M. (A) 888 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No.**1150 of 2023** dated **31.10.2023** under Sections **323/313/506/34** of the Indian Penal Code, 1860 read with Section **6** of the Protection of Children from Sexual Offences Act, 2012, pending before the Learned Additional District Judge, 2nd Court at Raiganj, Uttar Dinajpur. (POCSO Case No.62 of 2023).

And

In the matter of: **Ajit Mohammed @ Ajit Md.**

....petitioner.

Mr. Kaushik Choudhury
Ms. Busra Khatun

...for the petitioner.

Ms. Mamta Jana

... for the State.

Mr. Nirupam Dhali

... for the de facto complainant.

1. Supplementary affidavit filed in Court be taken on record.
2. Petitioner prays for anticipatory bail.
3. State and the de facto complainant are represented.
4. It appears from the materials available on record that, there are a number of proceedings pending between the de facto complainant and the petitioner. Apparently, there is a marriage between the petitioner and the de facto complainant. It is debatable as to whether, the provisions of the POCSO Act will be attracted in the facts and circumstances of the present case.
5. In such circumstances, we grant anticipatory bail to the petitioner.
6. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer

and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a week till the conclusion of the investigation and on condition that 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.

7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. **C.R.M. (A) 888 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)