

21.03.2024

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Ct. No. 29
S.D.
Allowed

C.R.M.(A) 1002 of 2024

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **114** of **2024** dated **19.2.2024** under Sections **341/323/506/509/34** of the Indian Penal Code and Section 12 of the POCSO Act pending in the Court of the learned Additional Sessions Judge, cum Judge, Spl. Court POCSO Act, Tehatta, Nadia.

And

In Re : **Sophag Sk. @ Sohag Sekh @ Sampad**

..... petitioner

Mr. Asraf Mandal

...for the petitioner

Mr. Bibaswan Bhattacharya

...for the State

Affidavit of service filed in Court be taken on record.

None appears on behalf of the defacto-complainant.

Apparently, an incident of assault took place where the brother-in-law of the minor suffered injuries.

Injuries suffered were simple hurt.

The minor recorded a statement under Section 164 of the Cr.P.C., where she claimed that the petitioner before us used to call her and disturb her regularly. She narrated an incident of assault where an attempt was made to kidnap her.

The alleged incident took place at a playground in presence of large number of public.

Materials in the case diary suggest that the petitioner and the minor were known to each other.

Petitioner before us is about 21 years of age.

Placing the petitioner in custody for the purpose of investigation may be inimical to his mental health also.

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 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.)

