

22.05.2024

66

Ct. No. 03

S.D.

Allowed

C.R.M.(A) 1553 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhagwangola** Police Station Case No. **619** of **2023** dated **19.12.2023** under Sections **376(A)(B)/109** of the Indian Penal Code, 1860, Section **6** of Protection of Child from Sexual Offences Act (POCSO), 2012 and Sections **9/10/11** of the Prohibition of Child Marriage Act, 2006 pending before the Court of learned Additional District & Sessions Judge, 1st Court cum-Special Court under POCSO Act.

And

In the matter of: **Sk Babulal & Anr.**

.....petitioners

Md. Abdur Rakib

Mr. Biswajit Sarkar

...for the petitioners

Mr. Sanjoy Bardhan

Ms. Jonaki Saha ..for the State

Initially, we passed an order dated May 1, 2024 holding that the application for anticipatory bail was not maintainable in view of Section 376 (A) (B) of the Indian Penal Code, 1860.

Our attention was subsequently drawn to the fact that the charge sheet against the petitioners were not under such provisions of law.

In such circumstances, we recall the order dated May 1, 2024.

Since the police filed charge sheet and considering the materials in the case diary, we do not find requirement of placing the petitioners in custody at this stage.

Accordingly, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 petitioners 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 petitioners 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.)