

01.05.2024
Item No.15
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1548 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **1032** of **2023** dated **03.08.2023** under Sections **323/506/34** of the Indian Penal Code and Section **6** of the POCSO Act, pending before the Learned Additional District Judge, Special Court, 2nd Court, Malda.

And

In the matter of : Rafik Sk @ Rafikul Sekh & ors.

..... petitioners

Mr. Arup Kumar Bhowmick
....for the petitioners

Mr. Imran Ali,
Mrs. Kanchan Roy
....for the State

Petitioners pray for anticipatory bail.

Three petitioners before us are the parents and the sister of the principal accused.

Minor recorded her statement under Section 164 of the Criminal Procedure Code where she claimed that she was in a love affair with the principal accused. She also claimed that she was raped. She was assaulted by the petitioner no.2.

Injury report of the minor corroborates the claim of assault by the petitioner no.2 on her.

Looking at the statement recorded under Section 164 of the Criminal Procedure Code of the minor again, we find that, she speaks of petitioner no.2 not accepting her into the residence of the principal accused and assaulting her while asking her to leave the house.

That apart, there is very little incriminating material so far as other two petitioners are concerned.

Considering such materials in the Case Diary and the involvement of the petitioners in the incident, 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/- (Rupees Ten Thousand only) 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 and on further condition that the petitioner no.1, namely, Rafik Sk @ Rafikul Sekh will report before the Investigating Officer once in a week till the conclusion of investigation and petitioner no.2, namely, Ruksena Bibi and petitioner no.3, namely, Nahirin Khatun will cooperate with the investigation and on condition that 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.

CRM(A) 1548 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)