

21.05.2024
DL-17
Court No.3
(AD)
(Allowed)

C.R.M. (A) 1711 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gazole** Police Station Case No.**237 of 2024** dated **26.03.2024** under Sections **6/15/17** of POCSO Act read with Sections **448/376(1)/506/34** of the Indian Penal Code, pending before the Learned Judge, Special Court, ADJ 2nd Court, Malda. (POCSO Case No.52 of 2024).

And

In the matter of: **Yasin Ali & Ors.**

....petitioners.

Ms. Minoti Gomes

...for the petitioners.

Mr. Prasun Kumar Datta, Ld. APP

Ms. Rita Datta

... for the State.

Mr. Siddhartha Sarkar

... for the de facto complainant.

1. Survivor recorded her statement under Section 164 of the Coded of Criminal Procedure not naming the petitioners before us.
2. There is a previous police complaint at the behest of the petitioners before us with regard to the minor boy being forcibly taken away.
3. The present police compliant was lodged three days after the date of the incident.
4. In such circumstances, we grant anticipatory bail to the petitioners.
5. 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 subject to the conditions as laid

down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner nos.1 to 4 and 6 will report before the Investigating Officer once a week till the conclusion of the investigation and petitioner no.5 will cooperate with the investigation till the conclusion of 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.

6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. **C.R.M. (A) 1711 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)