

22.05.2024
Item No.17
Ct. No. 3
CHC
Allowed

C.R.M.(A) 1747 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Santipur** Police Station Case No. **413** of **2024** dated **08.04.2024** under Sections **448/323/325/354B/506/34** of the Indian Penal Code, 1860, read with Section 8 of the Protection of Children from Sexual Offences Act (POCSO), 2012, pending before the Court of the Learned Additional Chief Judicial Magistrate, at Ranaghat, Nadia.

And

In the matter of : Kishore Bhaumik @ Kishore Bhowmik
..... petitioner

Mr. Susnigdho Bhattacharyya,
Ms. Peu Bose
....for the petitioner

Mr. Md. Adil Badr,
Mr. Abhinaba Mukherjee
....for the State

Ms. Sananda Bhattacharya
...for the de facto complainant

Petitioner, State and the de facto complainant are represented.

Statement of the minor recorded under Section 164 of the Criminal Procedure Code does not make out a case for invoking the provisions of the POCSO Act, 2012, at this stage.

An incident of assault took place where the mother of the minor apparently suffered simple hurt.

Considering the nature of the incident and the involvement of the petitioner therein, we 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/- (Rupees Ten Thousand only), 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 will report before the Investigating Officer once in a week till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 1747 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)