

27.06.2024
Court No.29
Item No. 20

Partly Allowed

sg

CRM (A) 1992 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Panskura Police Station Case No. 256 of 2022 dated 04.04.2024 under Sections 341/323/325/354/307/506/34 of the Indian Penal Code read with Sections 8 and 10 of the POCSO Act, pending before the learned Additional Sessions Judge, 2nd Court, Tamluk.

And

In Re: **Moyajjam Hossain & Ors.**

Petitioners

Mr. Soumya Banerjee
Ms. Sucheta Banerjee

For the Petitioners

Mr. Arindam Sen
Mr. Subhasish Datta

For the State

1. Affidavit of service filed in Court today is taken on record.
2. The petitioners pray for anticipatory bail. It is submitted that the petitioners are similarly placed as that of the petitioners who have been granted anticipatory bail by a coordinate Bench on 22nd April, 2024. It is further submitted that charge-sheet has already been filed.
3. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the statement of the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.
4. It appears that the coordinate Bench granted anticipatory bail to Sk. Nasiruddin and three others relying upon the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, where, according to the

coordinate Bench, the victim had spoken of long standing disputes between the private parties.

5. We have carefully read the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. In the said statement, she appears to have not made any reference of long standing dispute and instead, has made specific allegation against the petitioner nos. 1, 2 and 3.
6. Considering the materials available in the case diary and the statement of the victim recorded under Section 164 of the Cr.P.C., we are not inclined to grant anticipatory bail to the petitioner nos. 1, 2 and 3, namely, **Moyajjam Hossain, Sk. Giasuddin and Sk. Taher Ali.**
7. However, since the name of the petitioner no.4 is not appearing from the statement of the victim, we are inclined to grant anticipatory bail to the petitioner no.4 namely, **Sk. Amirul.**
8. Accordingly, we direct that in the event of arrest the petitioner no.4 namely, **Sk. Amirul**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Sessions Judge, Special Court, under POCSO Act at Tamluk and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner no.4 shall appear before the learned Trial Court within two weeks from date.
9. It is further directed that the petitioner no.4 shall appear on every date before the jurisdictional court on and from the date fixed from appearance of the accused and in default, the jurisdictional court will pass appropriate order to secure the presence of the petitioner no.4 in court including cancelling the anticipatory bail granted without further reference to this Court.

10. Accordingly, the prayer for anticipatory bail of the petitioner nos. 1, 2 and 3 namely, **Moyajjam Hossain, Sk. Giasuddin** and **Sk. Taher Ali** is rejected. And the application for anticipatory bail of the petitioner no.4 namely, **Sk. Amirul** is allowed.
11. CRM (A) 1992 of 2024 is, thus, disposed of.
12. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)