

08.07.2024

Court No.29

Item No. 05

**Partly
Allowed**

ar

CRM (A) 2052 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 164 of 2024 dated 18.03.2024 corresponding to POCSO Case No. 12 of 2024 under Sections 448/376(3)/34 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act.

And

In Re: **Mainul Sk & Anr.**

Petitioners

Ms. Rabia Khatoon

For the Petitioners

Ms. Minoti Gomes

Ms. Manashi Roy

For the State

Ms. Tuli Sinha

For the Victim

1. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the instant case.
2. The prayer for anticipatory bail is opposed by the learned counsel for the State as well as the victim.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the statement of the victim and also having regard to the fact that the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner no. 2, **Kalu Sk @ Rajjak Sekh** is not necessary. However, the custodial interrogation of the **petitioner no. 1, Mainul Sk** is necessary.

4. Accordingly, we direct that in the event of arrest, the **petitioner no.2**, namely, **Kalu Sk @ Rajjak Sekh** 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the **petitioner no. 2** shall appear before the learned Judge, Special Court under POCSO Act, Lalbagh, Murshidabad corresponding to POCSO Case No. 12 of 2024 within two weeks from date and the **petitioner no. 2** shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the **petitioner no. 2** shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the **petitioner no. 2** is allowed, however, the prayer for anticipatory bail of the **petitioner no. 1** stands rejected and the application is accordingly disposed of.
6. 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)

