

22.07.2024
Court No.29
Item No. 48

Aloke

CRM (A) 2453 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Howrah Women P.S. Case No. 15 of 2024 dated 18.04.2024 under Sections 363/366A/342/376(2)(n)/506/34 of the Indian Penal Code and Section 6/17 POCSO Act.

And

In Re: **Sk. Abdul Ohid & Anr.**

Petitioners

Mr. Kaushik Chandra Gupta
Mr. Tauhid Khan

... For the Petitioners

Mr. S.S. Imam
Mr. Soumya Basu Ray Choudhuri

... For the State

Mr. Somnath Adhikary

... For de facto complainant

1. Heard the learned counsel for the parties including the de facto complainant.
2. Considering the materials available in the case diary and that Sk. Megdad Ali appears to be the principal accused as transpired from the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and having regard to the fact that the allegations against the present accused are general in nature and also with the regard to the fact that the charge-sheet has been filed, we are of the view that custodial interrogation of the petitioners is not necessary.
3. Accordingly, we direct that in the event of arrest the petitioners, namely, **Sk. Abdul Ohid** and **Sk Abu Jar**, shall be released on bail upon furnishing a

bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under POCSO, Howrah, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further condition that the petitioners shall appear before the trial Court within two weeks from date thereafter on each and every dates of hearing until further orders.

4. In the event the petitioners fail to appear before the trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
6. CRM (A) 2453 of 2024 is, thus, disposed of.
7. 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.)