

02.09.2024

Court No.29

Item No.14

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CRM (A) 2798 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 Pukhuria Police Station Case No. 323 of 2024 dated 21.06.2024 corresponding to Special Case No. 44 of 2024 under Section 363 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re: **Ajbul Hossain @ Mosharaf**

Petitioner

Md. Wasim Akram

For the Petitioner

Mr. Sandip Chakraborty

Ms. Suparna Chatterjee

For the State

Mr. Anasuya Bhattacharya

For the De-facto Complainant

1. Heard the learned counsel appearing for the parties.
2. Considering the materials available in the case diary and the statement of the victim recorded under Section 164 Cr.P.C and having regard to the fact that she has refused to medical examination, we are of the view that custodial interrogation of the petitioner is not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Ajbul Hossain @ Mosharaf** shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, 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 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a fortnight till the submission of the final report. 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.

4. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Shampa Dutt (Paul), J)