

10.09.2024
SL No.21
Court No.29
(gc)
(Allowed)

CRM (A) 2922 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 filed in connection with Malda Police Station Case No.330 of 2024 dated 29.05.2024 under Sections 448/308/323/506/34 of the Indian Penal Code read with Sections 8/12 of the POCSO Act.

And

In the matter of : **Abdul Sadek**

- Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Manas Das,
Mr. Akash Sarkar,
Mr. Arindam Poali

....For the Petitioner.

Ms. Z.N. Khan,
Ms. Sujata Das

... For the State.

Mr. Sayantan Hazra,
Ms. Tapati Sarkar

....For the De facto complainant.

1. Heard the learned Counsel for the parties.
2. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the fact that the relationship between the de facto complainant and the petitioner no.1, the principal accused, deteriorated over years and there is no medical report suggesting that the de facto complainant or her family members have suffered any injury, 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, **Abdul Sadek**, shall be released on bail upon furnishing

a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall meet the I.O. once in a week and shall not enter the jurisdiction of the police station where the victim is presently residing except for the purpose of meeting the I.O. till the submission of the final report.

4. It is further directed that the petitioner shall appear before the learned Judge, Special Court under the POCSO Act, Malda in connection with POCSO Case No.90 of 2024 within two weeks from date.
5. Accordingly, the application for anticipatory bail is disposed of.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)