

11.09.2024
Court No.29
Item No. 31

Partly Allowed
sg

CRM (A) 3236 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Raiganj Station Case No. 662 of 2024 dated 07.07.2024 under Sections 363/365/379/34 of the Indian Penal Code read with Section 6 of POCSO Act, pending before the learned Judge Special Court (POCSO), Raiganj, Uttar Dinajpur.

And

In Re: **Md. Soleman Haque @ Sakh Soleman & Ors.**
Petitioners

Mrs. Jeenia Rudra

For the Petitioners

Mr. Md. Adil Badr

Mrs. Rita Datta

For the State

1. We have heard the learned Counsel for the parties.
2. Considering the materials available in the case diary and the nature and extent of complicity of the present petitioners in the commission of alleged offence and having regard to the fact that the statement of the victim recorded under Section 164 of the Code of Criminal Procedure in which the defacto complainant has, amongst others, named the petitioner no.1, we are not inclined to grant anticipatory bail to the petitioner no.1.
3. However, having regard to the role ascribed to the petitioner nos. 2 and 3 in the commission of the alleged offence, we are of the view that custodial interrogation of the present petitioner nos. 2 and 3 is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner nos. 2 and 3, namely, **Anisur Rahaman and Tuki Khatun**, shall be released on bail upon furnishing a bond of Rs.5,000/- each 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 Bharatiya Nagarik Suraksha Sanhita. The petitioner no.2 shall meet the I.O. once in a fortnight till the submission of the final report. The petitioner no. 3 shall cooperate with the investigation. The petitioner nos. 2 and 3 shall appear before the learned Judge Special Court (POCSO), Raiganj, Uttar Dinajpur, within two weeks from date.

5. In the event the petitioner nos. 2 and 3 fail to comply with any of the aforementioned conditions, the learned trial court shall be at liberty to cancel their bail, in accordance with law, without any further reference to this Court.
6. The application for anticipatory bail of the petitioner no.1 is rejected and application for anticipatory bail of the petitioner nos. 2 and 3 is allowed.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)