

19.09.2024
AD-42
Court No.29
TN
(Allowed)

CRM (A) 3376 of 2024

In Re:- An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Lalgola Police Station Case No. 744 of 2024 dated 16.07.2024 under Sections 341/323/506 of the IPC, 1860 with added Sections 10 and 12 of the POCSO Act, 2012.

And

In the matter of: **Md Ebrahim Sk**

.... petitioner

Mr. Ali Ansar Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. June Modak

....for the petitioner

Mr. Golam Nur Imrohi

....for the *de facto* complainant

Ms. Amita Gaur,
Mr. Dipankar Paramanick

....for the State

1. The learned counsel for the petitioner submits that out of previous grudge and enmity, a false complaint has been lodged against the petitioner.
2. The learned counsel for the State and the *de facto* complainant have opposed the prayer for anticipatory bail.
3. 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 also taking into consideration the background fact, namely, that there was enmity between the petitioner and the father of the victim and the circumstances under which such statement was made and the possibility of an exaggeration and false implication of

the petitioner cannot be completely ruled out, we are of the view that custodial interrogation of the petitioner is not necessary. However, the views are expressed *prima facie*.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Md Ebrahim Sk** shall be released on bail upon furnishing a bond of Rs.5,000/-, 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.
5. It is further directed that the present accused petitioner shall appear before the learned Judge, Special Court under POCSO Act, Lalbagh, Murshidabad within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)