

04.01.2024
Item No.123
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4573 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ranaghat Women** Police Station Case No. **93** of **2023** dated **01.09.2023** under Sections **448/354/323/506/34** of the Indian Penal Code, 1860 and Section **8** of Protection of Children from Sexual Offences Act 2012.

And

In the matter of : Manik Joyaddar & anr.

..... petitioners

Ms. Sananda Bhattacharyya
....for the petitioners

Mr. S. S. Imam, Jr. Govt. Advocate
Ms. Puspita Saha
....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioners.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

We perused the materials in the Case Diary.

The victim recorded her statement under Section 164 of the Criminal Procedure Code where she speaks of bad touch by the petitioners.

Victim did not undergo any medical examination.

The claim of the incident as narrated by the victim is not corroborated by any statement of any neighbours, at this stage as appearing from the materials in the Case Diary.

In such circumstances, we confirm the interim order dated October 16, 2023.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners will report before the Investigating Officer once in a fortnight till the conclusion of investigation and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4573 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)