

05.01.2024

Serial no. 77

Anticipatory bail

[Allowed]

Dd

CRM (A) 4604 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Burdwan** Police Station Case No. **716** of **2023** dated **12.06.2023** under Section **354B** of the Indian Penal Code, 1860.
(POCSO Case No. 32/2023)*

-And-

*In the matter of : **Rony Ghosh @ Rani Ghosh**
... .. **Petitioner***

*Mr. Arani Bhattacharya,
Mr. Bibaswan Bhattacharya,
Ms. Bindia Paul, Advocate
... .. For the Petitioner*

*Mr. Bidyut Kr. Roy,
Ms. Sima Biswas, Advocates
... ..For the State*

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

Petitioner before us is a technician working in a Government hospital. The victim recorded a statement under Section 164 of the Criminal Procedure Code where she narrated the steps taken by the petitioner while she was undergoing ECG.

We perused the statement of the victim recorded.

Apparently, the victim described the steps taken in an ECG procedure. Application of jelly on the body is required during ECG procedure.

Since the petitioner before us is a technician in an hospital and he was conducting the ECG, we do not find the need for custodial interrogation of the petitioner.

Police filed charge sheet.

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

Consequently, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4604 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

