

January 8, 2024
SI No.A 80
s.biswas/cp
(Allowed)

CRM (A) 4654 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nischinda** Police Station Case No. **67 of 2023** dated **24.04.2023** under Sections **8/12** of the POCSO Act.

And

In Re: **Biswajit Das**

... .. Petitioner

Mr. Mrityunjay Chatterjee

Mr. Akash Sarkar

... for the petitioner

Mr. Angshuman Chakraborty

... .. for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 17, 2023.

By such order, the Coordinate Bench granted interim anticipatory bail to the petitioner.

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 is 11 years old. She has stated in her statement recorded under Section 164 of the Code of Criminal Procedure that the petitioner touched her inappropriately.

The statement of the victim is sought to be corroborated by her parents.

In view of the fact that police filed charge-sheet, need for custodial interrogation is not felt.

In such circumstances, we confirm the interim order dated October 17, 2023.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)