

06.02.2024

Serial no. 31
Anticipatory bail
[Allowed]
Dd

CRM (A) 5093 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Raghunathganj** Police Station Case No. **933** of **2023** dated **07.11.2023** under Sections **376/511/354/354B** of the Indian Penal Code, 1860, Sections **8/12** POCSO Act and Section **66E** IT Act.*

(POCSO Case No. 46/2023)

-And-

*In the matter of : **Sarfaraj Sk.***

*... .. **Petitioner***

Ms. Shabana Hasin, Advocate

... .. For the Petitioner

Ms. Sonali Das, Advocate

... ..For the State

Pursuant to order dated February 1, 2024, State produces case diary in respect of Raghunathganj Police Station Case No. 613 of 2021 dated October 2, 2021.

We have perused the materials in the case diary. The victim here was a victim in such police case also. There she recorded a statement under Section 164 of the Criminal Procedure Code claiming that she was in a relationship with the petitioner before us.

There is a statement recorded under Section 164 of the Criminal Procedure Code in the present police case which is contrary to the earlier statement.

Considering such facts, 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 report before the Investigating Officer once in a month till the conclusion of the investigation 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) 5093 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)