

31.01.2024

Serial no. ML 530

Anticipatory bail

[Allowed]

Dd

CRM (A) 5249 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Hogalberia** Police Station Case No. **255** of **2023** dated **04.11.2023** under Sections **376(2)(b)(n)** of the Indian Penal Code, 1860 and **6** of the **POCSO Act**.
(POCSO Case No. 41 of 2023)*

-And-

*In the matter of : **Sankar Das***

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

*Mr. Asraf Mondal,
Md. Bani Israil, Advocates
... .. For the Petitioner*

*Mr. Ashok Das, Advocate
... ..For the State*

Affidavit-of-service filed in Court be taken. Despite service none appears for the victim girl.

Statement of the victim recorded under Section 164 of the Criminal Procedure Code is one of exoneration of the petitioner.

In such circumstances, 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 as and when called for 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) 5249 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)