

06.02.2024

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Ct. No. 29

S.D.

C.R.M.(A) 5571 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **778 of 2023** dated **22.07.2023** under Section **6** of the POCSO Act, 2012.

And

In Re : Jahedul Ali @ Jahi Dul Haque @ Jahedul Hoque
..... petitioner

Mr. Kaushik Chowdhury
Ms. Busra Khatun
...for the petitioner

Mr. Bitasok Banerjee
...for the State

Victim recorded a statement under Section 164 of the Cr.P.C.

Victim claims herself to be 17 years of age.

Her age may be determined at the trial if required.

The statement under Section 164 of the Cr.P.C. apparently is not corroborated by any materials in the case diary and is not convincing.

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/-, 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. The petitioner will report before the Investigating Officer once a fortnight till the completion of the investigation. 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.)