

01.02.2024
Item No.57
Ct. No. 29
PG/KS
Allowed

C.R.M.(A) 5314 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Samsherganj** Police Station Case No.**222** of **2023** dated **10.07.2023** under Sections **363/ 365/ 34** of the Indian Penal Code, 1860 subsequently adding Section 4 of the POCSO Act.

And

In the matter of : **Sankar Rauth & Ors.**

.....Petitioners.

Mr. Bitosok Banerjee
Mr. Abdus Salam

....for the Petitioners.

Mr. Arijit Ganguly
Mr. S. Kundu

....for the State.

Victim recorded a statement under Section 164 of the Code of Criminal Procedure, where she said that she went voluntarily with the principal accused.

She does not implicate the principal accused in any physical relationship with her.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners will report before the Investigating Officer once in a month till the conclusion of investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

C.R.M.(A) 5314 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)