

31.01.2024

Serial no. ML 614

Anticipatory Bail

[Allowed]

Dd

CRM (A) 5335 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Burwan** Police Station Case No. **391** of **2023** dated **27.09.2023** under Sections **341/323/325/308/354/319/34** of the Indian Penal Code, 1860 and Section **8** of POCSO Act.*

-And-

In the matter of : **Kamrujjaman Sk. @ Moti & Ors.**
... .. **Petitioners**

*Ms. Minoti Gomes,
Md. Hafiz Ali,, Advocates
... .. For the Petitioners*

*Mr. Antarikhya Basu, Advocate
... ..For the State*

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

Victim recorded a statement under Section 164 of the Criminal Procedure Code where, she named a number of person to be involved in assaulting and disrobing her.

Jurisdictional Court granted anticipatory bail to some of the co-accuseds who are named in the statement recorded by the victim under Section 164 of the Criminal Procedure Code.

Petitioners before us are standing on the same footing as that of other co-accuseds who are enlarged on anticipatory bail by the jurisdictional Court.

Police filed charge sheet.

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 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.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 5335 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)