

02.02.2024
ML.751
Court No.29
(AD)
(Allowed)

C.R.M. (A) 5474 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No.**1124 of 2023** dated **23.10.2023** under Sections **341/506** of the Indian Penal Code read with Section **10** of the Protection of Children from Sexual Offences Act. (Special Case No.97 of 2023).

And

In the matter of: **Saddam Hossain @ Saddam Hossaion**

....petitioner.

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Ms. Roma Ray
Mr. Anamitra Banerjee

...for the petitioner.

Mr. Bidyut Kumar Ray
Ms. Debjani Dasgupta

... for the State.

Victim recorded her statement under Section 164 of the Code of Criminal Procedure where, she implicated the petitioner in the incident of bad touch.

Her version is not corroborated by any independent witnesses.

Incident apparently occurred in a locality.

There is an issue of false implication.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will

report before the Investigating Officer once a month till the conclusion of the investigation and on 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5474 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)