

11.01.2024
Item No.51(D.L.)
Ct.No.29
srn/dc.
Allowed

C.R.M. (A) 5712 of 2023

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Domkal Police Station Case No. 530 of 2023 dated 05.08.2023 under Sections 368/376(2)(n)/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : **Uday Halder**
... Petitioner.

Mr. Robiul Islam,
Mr. Raju Mondal,
Mr. M. Ahmed
... For the Petitioner.

Mr. Tanmoy Kumar Ghosh,
Mr. Subrata Roy
... For the State.

Petitioner prays for anticipatory bail.

The de facto complainant was served by the State.

None appears for the de facto complainant.

We perused the materials in the case diary.

Victim recorded her statement under Section 164 of the Cr.P.C. where she says that she went voluntarily with Suman Halder.

Apparently, the victim was a minor at the time when the incident occurred.

The petitioner before us is the uncle of Suman Halder.

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 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 will report before the Investigating Officer once in 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.

The application for anticipatory bail is, thus, allowed.

CRM(A) 5712 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)