

30.11.2022

23

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5541 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **895** of **2022** dated **26.09.2022** under Sections 448/323/506/34 of the Indian Penal Code, 1860 read with Section 4 of the Protection of Children from Sexual Offences Act.

And

In Re : Sofikul Islam @ Sk. Safikul

..... petitioner

Mr. Soupal Chatterjee

Ms. Sucheta Banerjee

....for the petitioner

Mr. Abhra Mukherjee

Ms. Manisha Sharma

....for the State

The petitioner claims that, he was falsely implicated since, the petitioner took a stand in favour of one of the accused in a village mediation.

Such claims appear from paragraph 6 of the petitioner for anticipatory bail.

The victim claims herself to be 14 years of age in the statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). The victim claims that, she was raped by a person, while another person assisted the incident and that the petitioner was standing outside guarding the door during the incident.

The victim refused to undergo any medical examination.

In such circumstances, the issue of false implication of the petitioner cannot be overlooked at this stage.

Consequently, 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 and on further condition that the petitioner shall meet 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

