

Cr. Misc. Case No. 264 of 2022
CNR No. WCB-05-000681-2022

Order No. 02

Dated: 14-11-2022

This Criminal Misc. Case U/s-438 of the Cr.P.C has been filed by the accused/petitioners **1. Chhabdul @ Chobidul Miah, 2. Majidul Mia @ Mojidul Miah, 3. Aajidula Miya @ Azidul Miah & 4. Anjuma @ Anju Bibi** in connection with Sahebganj P.S Case No. 403/2022 dated 27-10-2022 u/s 363/365 of IPC and section 6 of POCSO Act, 2012 corresponding to **POCSO Case No. 34 of 2022.**

Ld. Defence Counsel and Ld. Special P.P are present.

Nothing is brought to the notice of this Court, either by the prosecution or by the defence, about previous rejection of the prayer for anticipatory bail by the Hon'ble Court as against the accused/petitioner. Further more the Learned Advocate for the accused had furnished affidavit before this Court to the effect that no application u/s 438 of the Cr.P.C is pending till date before the Hon'ble Court on behalf of the accused.

Ld. Lawyer for the accused/petitioners prays for anticipatory bail submitting that they are no way involved in the alleged incident.

In reply the Ld. Special P.P prays for passing necessary order relying upon the materials in the C/D.

On close scrutiny of the C/D including the statement of the V.G recorded u/s 164 of Cr.P.C, I am of view that the custodial interrogation of the accused persons is not required for the purpose of investigation.

Hence, the prayer for anticipatory bail is considered and allowed.

Accordingly, in the event of arrest, the petitioners **1. Chhabdul @ Chobidul Miah, 2. Majidul Mia @ Mojidul Miah, 3. Aajidula Miya @ Azidul Miah & 4. Anjuma @ Anju Bibi** may find bail of ₹.3,000/- each with two sureties each of ₹.1,500/- subject to the satisfaction of the arresting officer and also subject to the fulfillment of the condition as required u/s 438(2) of the Cr.P.C.

The C.D be returned.

The Criminal Misc. Case stands disposed of.

Let a copy of this order be tagged with the original case record.

Dictated & corrected by me,

Sd/- Sri H. Sinha,

Judge,

Spl. Court (POCSO)-cum-

Addl. Dist. & Sess. Judge,

Dinhata.

Sd/- Sri H. Sinha,

Judge,

Spl. Court (POCSO)-cum-

Addl. Dist. & Sess. Judge,

Dinhata.