

18.12.2020
Sl. No.120
akd
[ALLOWED]

C. R. M. 9727 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 20.11.2020 in connection with AJC B Garden Police Station Case No.155 of 2020 dated 26.09.2020 under Sections 448/323/325/376/506 of the Indian Penal Code and Sections 4/8/12 of the POCSO Act.

And

In Re: **Lakhan Yadav @ Lakhan Prasad Yadav & Ors.**

... .. Petitioners

Mr. Kusal Kr. Mukherjee .. Advocate

... .. for the petitioners

Mr. Bidyut Kr. Roy .. Advocate

Ms. Rita Datta .. Advocate

... .. for the State

It is submitted on behalf of the petitioners that there are disputes between the family members. It is further submitted that there is delay in lodging the FIR.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the statement of the victim including injury report. We note that the victim did not suffer injury in her private parts. Under such circumstances, allegation of assault may be assessed in the light of the submission relating to pre-existing enmity. Hence, we are of the opinion that custodial interrogation of the accused/petitioners may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Lakhan Yadav @ Lakhan Prasad Yadav, (2) Bimal Yadav & (3) Kamal Yadav**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)