

16.12.2020
166
sdas
Partly allowed

C.R.M. 10424 of 2020
(via video conference)

In Re.: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 347 of 2020 dated 17.09.2020 under Sections 363/365 of the Indian Penal Code adding Section 4 of the POCSO Act.

And

In Re : Aktarul Mondal @ Mehebul Sk. & Ors. petitioners

Mr. Mritunjoy Chatterjee
... for the petitioners

Mr. Tapandeb Nandy
Mr. Antarikhya Basu

... for the State

We have examined the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. She states that the petitioner no. 1 had subjected her to penetrative sexual assault against her will.

Accordingly, we are not inclined in granting anticipatory bail to him.

The application for anticipatory bail in so far as petitioner no. 1 concerned is, thus, rejected.

However, keeping in mind the extent of complicity of the petitioners no. 2 and 3, that is parents of the principal accused, in the alleged crime, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest the petitioners no. 2 and 3 shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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.

Accordingly application for anticipatory bail is allowed so far as petitioners no. 2 and 3 are concerned.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)