

95. 30.07.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2485 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **08/03/2021** in connection with **Special T.R. Case No. 114 of 2020** arising out of **Panchla Police Station Case No.301 of 2020** dated **01/12/2020** under Sections **341/323/325/354B/379/506/34** of the Indian Penal Code read with Section 12 of the POCSO Act.

And

In the matter of: - **Sandip Koley & Ors.**

....petitioners.

Mr. Mrityunjoy Chatterjee,
Mr. Susnigdho Bhattacharyya,

...for the petitioners.

Md. Anwar Hossain,
Mrs. Sreyashee Biswas Bose

...for the State.

The petitioners submitted that they have been falsely implicated due to a dispute between two families and a counter-case has been lodged by the petitioners over the selfsame incident.

Learned Advocate for the State produces the Case Diary and refers to the statements of the victims under Section 164 of the Code of Criminal Procedure as well as injury reports.

We have considered the material on record. It appears that a counter-case relating to the same incident filed by the petitioners is pending. Injuries sustained by the victim appear to be simple in nature. Having considered the material available before us as well as the nature of allegations, we are inclined to

hold that immediate custodial detention of the petitioners is not necessary.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure and with a further direction that the petitioners shall meet the Officer-in-Charge of Panchla Police Station once in fortnight until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 2485 of 2021 is, thus, **allowed**.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)