

29.09.2021
Sr. no. 23
Aloke
Ct. 29

(Through Video Conference)

CRM 2582 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 Women Police Station (Sadar), Purulia Case No. 12 of 2020 dated 25.12.2020 under Section 10 of the POCSO Act.

-And-

In the matter of : **Sisir Kumar Mahato**

...Petitioner

Mr. Arindam Jana, Advocate

Mr. Soumajit Chatterjee, Advocate

... ... for the Petitioner

Mr. Saswata Gopal Mukherjee, Id. PP

Mr. Rudradipta Nandy, Advocate

... ...for the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner draws the attention of the Court to the charge-sheet, the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure as also to the fact that the victim girl made a previous complaint against her father.

Learned Advocate appearing for the State relies upon the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

It appears from the records that the police submitted charge-sheet where the police is not proceeding against the Superintendent of the Home on the ground there is no sanction to prosecute to the Superintendent although, the Superintendent is named as one of the perpetrators in the statement recorded under Section 164 of the victim girl. The petitioner is also named as a perpetrator in the statement recorded under Section 164 of the Code of Criminal Procedure.

Considering such materials on recorded, since the police submitted charge-sheet, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date and also to the condition that the petitioner will not to enter into the jurisdiction of the local police without obtaining prior leave of the Court excepting for attending the court..

The prayer for anticipatory bail is, thus, allowed.

CRM 2582 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)