

30.11.2021
Court No.32
Item No. 146
Krishnendu
Allowed

**C.R.M. 3802 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Dharmendra Kumar Roy & Ors.**

Petitioners

Mr. Mrityunjoy Chatterjee
Md. Golam Nure Imrohi
Mr. Debapriya Majumder

For the Petitioners

Mr. Madhusudan Sur, Id. A.P.P.
Mr. Manoranjan Mahata

For the State

Apprehending arrest in connection with Liluah Police Station Case No. 327 of 2019 dated 12.12.2019 under Sections 363/365/120B of the Indian Penal Code and under sections 4 and 6 of the POCSO Act, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that they have been falsely implicated. There was a love relationship in between the victim lady and one Upendra. The ingredients of sections 4 and 6 of the POCSO Act do not stand satisfied against the petitioners herein. Upon completion of investigation, charge sheet has also been submitted and as such custodial interrogation of the petitioners is not warranted, more so when the principal accused, namely, Upendra is already in custody. He further submits that the friend of Upendra, namely, Dilip Ray @ Roy, had also been granted bail by a Co-ordinate Bench of this Court on 9th

December, 2020 observing, *inter alia*, that there was a love affair between the principal accused, namely, Upendra and the victim.

Mr. Sur, learned Additional Public Prosecutor appearing for the State, opposes the petitioners' prayer and draws our attention to several documents in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, no overt act has been attributed to the petitioners herein. Considering the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted, more so when upon completion of investigation, charge sheet has already been submitted. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest the petitioners, namely, **Dharmendra Kumar Roy, Surendra Kumar Roy and Rama Sikil Roy**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioners shall attend the learned trial court on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 3802 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)