

02.12.2021
Item no.137
Court No.32
Avijit Mitra

C.R.M. 4748 of 2021

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

And

In Re : Alok Kumar Jha & anr.

.... petitioners

Mr. Soumya Basu Roychowdhury

....for the petitioners

Mr. N.P. Agarwala,

Ms. Subhasree Patel

..... for the State

Apprehending arrest in connection with Belur Police Station Case No.76 of 2021 dated 14.04.2021 under Sections 387/506/34 of the Indian Penal Code and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012, the present application is filed praying for anticipatory bail.

Mr. Roychowdhury, learned lawyer for the petitioners submitted, that the victim girl is a major. Allegations are all directed against the principal accused. The present petitioners are brother and father of the principal accused. They have least complicity in the alleged offence; custodial interrogation is not necessary and they can be enlarged on anticipatory bail.

Per contra, learned lawyer representing the State candidly admitted that the victim girl is a major as appears from the written complaint as well as from the statement recorded under Section 164 of the Code. Involvement of the present petitioners are that they had altercation with the victim girl.

We have heard rival submissions and perused the case diary. On perusal of case diary it appears admittedly the victim is a major. Incriminating elements against the present petitioners are not so serious and severe warranting custodial detention for interrogation, more so when chargesheet has been submitted. Accordingly, we are inclined to allow the anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Alok Kumar Jha and Ashok Kumar Jha**, shall be released on 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 with further direction to attend the Court on all dates.

They shall not intimidate the witnesses and/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 the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 4748 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.)

