

14.12.2021
Item no.250
Court No.32
Avijit Mitra

C.R.M. 6738 of 2021

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

And

In Re : Gora Adhikary & anr.

.... petitioners

Mr. Mrityunjoy Chatterjee,
Mr. G.N.Imrohi,
Mr. Srijeet Basu Roy

....for the petitioners

Mr. Binay Panda,
Mr. Subham Bhakat

..... for the State

Apprehending arrest in connection with Sankrail Police
Station Case No.1016 of 2021 dated 24.08.2021 under Sections
363/366/367(2)(h)/506/34 of the Indian Penal Code read with
Section 4 of the Protection of Children from Sexual Offences Act,
the present application has been preferred.

Learned senior advocate appearing for the petitioners
submits that they have been falsely implicated in the alleged
incident. They had no role to play and no overt act has been
attributed to them. They have been roped in only on the basis of
mere suspicion. In the said conspectus, custodial interrogation
is not warranted.

He further submits that there was a love relationship
between the victim and Bhim Adhikary, who is the principal
accused and the complaint had been lodged about a month after
the alleged incident.

Mr. Panda, learned advocates appearing for the State opposes the petitioner's prayer and draws our attention to the medical reports, the complaint and the statement of witnesses.

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

Prima facie, the ingredients of Section 4 of the POCSO Act are not attracted in respect of the petitioners. Considering the nature of allegations, the statement of witnesses and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Gora Adhikary and Kartik Patra**, 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 a further condition that the petitioners shall meet the investigating officer of the case once a week on and from 23rd December, 2021 till the investigation is over.

The petitioners shall attend the learned Trial Court on all the dates as fixed for hearing.

The petitioners 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' anticipatory bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 6738 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.)