

CRM 103 of 2021
(Through Video Conference)

Dinu Majhi & Ors. Petitioners
Vs.
The State of West Bengal ... Respondent

Mr. Joydeep Kanta Bhowmik, Advocate
...for the Petitioners. Present in Court.

Mr. Kallol Acharja and
Mr. Tapan Bhattacharjee, Advocates
...for the State. Present in Court.

The petitioners have filed the present petition praying for grant of pre-arrest bail in Jalpaiguri Women P.S. Case No.04 of 2021 dated 12.1.2021 registered under Sections 417/493/376(2)(n)/354(c)/342/323/34 of the Indian Penal Code and under Section 6 of the POCSO Act.

At the time of hearing the learned counsel for the petitioners submitted that Tapan Majhi against whom there are allegations under Section 376 IPC and Section 6 of the POCSO Act, has already surrendered before the court below on 27.1.2021. As regards the present petitioners are concerned, false allegations have been made in the complaint. They are the relatives of Tapan Majhi. His parents had already expired. They had separate mess, though they are living in the same locality. When they came to know about the relationship of Tapan Majhi with the complainant, they just persuaded them not to live together without marriage.

On the other hand, the learned counsel for the respondent submitted that Tapan Majhi has surrendered before the court below

CRM 103 of 2021

and presently he is in judicial custody. He further submitted that there are specific allegations against the petitioners as they connived with Tapan Majhi in commission of the crime. There are allegations regarding demand of dowry and also that arms and legs of the complainant were tied and she was thrown outside her paternal house.

After hearing learned counsels for the parties and considering the fact that there are specific allegations levelled under Section 376 IPC and Section 6 of the POCSO Act against Tapan Majhi and he has already surrendered before the court below and presently he is in judicial custody. Against the petitioners, who are said to be the relatives of Tapan Majhi, as his parents had already expired, the allegations are that they had tied the arms and legs of the complainant and thrown her outside her paternal house.

Considering the aforesaid facts, in our opinion, a case for grant of pre-arrest bail to the petitioners is made out. In case of arrest, the petitioners shall be released on furnishing of bail bonds to the satisfaction of the arresting officer. In addition, the petitioners will abide by the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 103 of 2021 is disposed of.

(Rajesh Bindal, J.)

(Saugata Bhattacharyya, J.)