

01.02.2022
Item no. 75
Court No.32
Avijit Mitra

C.R.M.(A) 198 of 2022

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

And

In Re : Bhim Adhikary

.... petitioner

Mr. Mrityunjoy Chatterjee,

Mr. G.N. Imrohi,

Mr. Sreejeet Basu Roy

....for the petitioner

Mr. Tanmoy Kumar Ghosh,

Mr. Arindam Sen

..... for the State

Heard the learned lawyer for the petitioner. Perused the case diary.

Learned lawyer for the petitioner submitted that the other co-accused persons are on bail granted by this bench earlier.

Learned lawyer representing the State opposes the anticipatory bail on the ground that there are strong incriminating elements against the present petitioner and the co-accused was granted bail on the ground that Section 4 of the POCSO Act is not applicable to the said persons who are the parents of the present petitioner.

We have perused the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, statement

of other witnesses recorded under Section 161 of the Code of Criminal Procedure along with the other materials. We have noticed that the written complaint was filed after eight months of the alleged marriage, by the mother of the victim. We have also observed that the mother of the victim used to visit the matrimonial home of the victim girl almost everyday, as appears from the statement of the victim, corroborated by other witnesses.

On perusal of case diary and other materials, we are of considered opinion that custodial detention of the accused for interrogation is not necessary and we are inclined to allow the instant petition for bail.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Bhim Adhikary**, 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 direction that the petitioner shall meet with the Investigating Officer once a week till investigation is complete.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable

cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) 198 of 2022 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.)