

26.04.2022
Serial no.15
Aloke

CRM (A) 1869 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 137 of 2022 dated 10.02.2022 under Sections 417/315/506/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : **Swadhin Mandal & Ors.**

... .. Petitioners

Mr. Sujan Chatterjee, Advocate

... .. For the Petitioners

Mr. Tanmay Kr. Ghosh, Advocate

Ms. Pritha Paul, Advocate

... ...For the State

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the victim and one Sanjib were in a relationship. The petitioners are the relatives of the principal accused.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. He submits that the police filed charge-sheet.

The victim at the time of recording the statement under Section 164 of the Code of Criminal Procedure claims that she is 17 + years in age. She claims that she was in a relationship with the principal accused over a period of time.

In such circumstances, considering the gravity of the offence and the involvement of the petitioners therein as transpiring from the materials in the case diary and considering the fact that the police filed charge-sheet, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two

sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 1869 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)