

04.05.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2011 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hogalberia** Police Station Case No. **60** of **2022** dated **24.02.2022** under Sections 341/324/325/34 of the Indian Penal Code, 1860 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Samaul Mondal @ Samayan Mondal & Anr.
..... petitioners

Mr. Manas Das
....for the petitioners

Mr. Avishek Sinha
....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioners were falsely implicated. There was a free fight between the private parties in relation to illegal construction by encroachment of the land belonging to the de-facto complainant.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Two of the victims are minors. They recorded 164 Cr.P.C. statements. The mother of the two victims recorded 164 Cr.P.C.

statement. The injury report does not disclose any grievous injury being suffered by any of the victims.

Considering the materials in the case diary and considering the 164 Cr.P.C. statements and considering the fact that the police filed charge-sheet, we 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/- 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

