

04.05.2022

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Ct. No. 29

**KAUSHIK**

Allowed

**C.R.M.(A) 2014 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagnan** Police Station Case No. **141** of **2022** dated **28.03.2022** under Sections 341/323/325/379/34 of the Indian Penal Code, 1860 and Section 12 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Jharna Bera & Anr.

..... petitioners

Mr. Anindya Ghosh

....for the petitioners

Mr. Sabir Ahmed

....for the de-facto complainant

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioners stand on the same footing as that of the other co-accused who were enlarged on anticipatory bail by this Hon'ble Court.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). She contends that the second petitioner does not stand on the

same footing as that of the other co-accused who were enlarged on anticipatory bail earlier.

The de-facto complainant is represented.

Learned advocate appearing for the de-facto complainant submits that, the petitioners are holding out threats to the de-facto complainant and to his family members. There is a proceeding under Section 107 of the Cr.P.C.

Considering the materials in the case diary and considering the 164 Cr.P.C. statement of the victim, 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 further condition that the petitioner no. 1 (Jharna Bera) shall cooperate with the Investigating Officer till the conclusion of the investigation and petitioner no. 2 (Samar Bera @ Samar Kumar Bera) shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation 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.)**