

22.06.2022

Sl. 13

Court No.29

(AD)

(Partly

Allowed)

C.R.M. (A) 2737 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Daspur** Police Station Case No. **110** of **2022** dated **20.03.2022** under Sections **363/365** and adding Section **376(3)** of the Indian Penal Code and Section **6** of the Protection of Children from Sexual Offence Act, 2012 (POCSO) Act.

And

In the matter of: **Nandalal Santra & Ors.**

....petitioners.

Mr. Ayan Basu
Mr. Gautam Banerjee
Mr. Sumit Routh

...for the petitioners.

Ms. Faria Hossain
Ms. Mamata Jana

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that there was a love relationship between the fourth petitioner and the victim. The victim came to the house of the petitioner voluntarily.

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. She submits that the victim is of 14 years of age.

Learned Advocate appearing for the petitioners submits that the fourth petitioner is of 18 years of age.

In her statement recorded under Section 164 of the Code of Criminal procedure, she narrates the incident wherefrom it appears that the fourth petitioner is involved.

In such circumstances, we are unable to grant anticipatory bail to the fourth petitioner, namely, Sujoy Santra.

Accordingly, the prayer for anticipatory bail of the fourth petitioner, namely, Sujoy Santra, is rejected.

So far as the other three petitioners, that is, petitioner nos.1, 2 and 3, namely, Nandalal Santra, Mithu Santra, Madan Santra, are concerned, we grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1,2 and 3, namely, Nandalal Santra, Mithu Santra, Madan Santra, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner nos. 1 and 3, namely, Nandalal Santra and Madan Santra, will report before the Investigating Officer once a fortnight till the conclusion of the investigation and the petitioner no. 2, namely, Mithu Santra, will co-operate with the Investigation and on condition that the petitioner nos.1,2 and 3, namely, Nandalal Santra, Mithu Santra, Madan Santra, 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 petitioner nos.1,2 and 3, namely, Nandalal Santra, Mithu Santra, Madan Santra, in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner nos.1,2 and 3, namely, Nandalal Santra, Mithu Santra, Madan Santra, is allowed.

C.R.M. (A) 2737 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)