

11.08.2022
Serial no.12
Aloke

CRM (A) 3801 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 139 of 2022 dated 02.05.2022 under Section 6 of the POCSO Act read with Sections 506/376(1)/34 of the Indian Penal Code.

-And-

In the matter of : **Parbati Mondal @ Parbati Mandal**

... .. Petitioner

Mr. Parashar Baidya, Advocate
Mr. Biswajit Sarkar, Advocate

... .. For the Petitioner

Mr. Ranabir Roy Chowdhury, Advocate
Mr. Sandip Chakraborty, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner was not involved in the incident.

There is a pre existing rivalry between the neighbours by reason of which false police complaint was lodged. He submits that the principal accused being a juvenile was enlarged on bail by the Juvenile Justice Board. The police filed charge-sheet and, therefore, custodial interrogation of the petitioner is not required.

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 and to the contents of the first information report.

The victim implicates the principal accused in the statement recorded under Section 164 of the Code of Criminal Procedure.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner 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 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 petitioner shall appear on every date 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 3801 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)