

18.01.2022
Ct. No. 32
Sl. No.41
sdas

C. R. M. 8584 of 2021
[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure :

And

In Re: *Sultan Mondal & Ors.*

... .. Petitioners

Mr. Susnigdho Bhattacharyya

... .. for the petitioners

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

... .. for the State

Leave is granted to correct the cause title of the application.

Apprehending arrest in connection with Ranaghat Police Station Case No. 445 of 2021 dated 26.05.2021 under Sections 448/324/307/354/506/34 of the Indian Penal Code, 1860 read with Section 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, the present application has been preferred.

Mr. Bhattacharyya, learned advocate appearing for the petitioners, submits that the petitioners have been falsely implicated in an alleged incident which occurred on 24th October, 2021. However, the complaint was lodged about a month thereafter. Such delay has not been explained. The allegations are omnibus in nature and in view thereof custodial interrogation is not necessary.

Mr. Ganguly, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the victim girl, as recorded under Section 164 of the Code and the injury report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary particularly the statement of the victim girl, as recorded under Section 164 of the Code.

Prima facie the ingredients of Section 8 of the POCSO Act are not attracted against the petitioners. Considering the nature of accusations, the injury report and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not necessary. However, petitioners' movement needs to be restricted.

Accordingly, we allow this application and direct that in the event of arrest, the petitioners, namely, (1) *Sultan Mondal* (2) *Munna Mondal @ Monoyar Mondal* and (3) *Ramjan Mondal* shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioners shall not enter into the jurisdiction of Ranaghat Police Station, save and except for meeting with the investigating officer once in a week till investigation is complete and for attending the learned court below on all the dates as specified for hearing. The petitioners shall also intimate the address where they would be residing to the investigating officer immediately.

It is further directed that the petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned court below would

be at liberty to cancel their bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM 8584 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)