

19 04.01.2022
(AD)
Court No.29
(Allowed)

C.R.M. 8979 of 2021
(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domjur** P.S. Case No. **877 of 2021** dated **31/10/2021** under Sections **448/325/354B/506/34** of the Indian Penal Code read with Sections **8/12** of the Protection of Children from Sexual Offences Act.

And

In the matter of: Jamir Middya @ Middey & Ors.

....petitioners.

Mr. Milon Mukherjee, Sr. Adv.
Mr. Biswajit Manna

...for the petitioners.

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen

...for the State.

Petitioners seek anticipatory bail.

Learned Senior Counsel appearing for the petitioners submits that the petitioners were falsely implicated. There are property disputes and a civil suit is pending between the private parties. He submits that the police are yet to issue notice under Section 41A of the Code of Criminal Procedure.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 164 of the Code of Criminal Procedure of the victim lady.

Considering the gravity of the offence and the complicity of the petitioners therein and considering the fact that there is a civil suit pending between the private parties and considering the

statement recorded under Section 164 of the Code of the Criminal Procedure of the victim lady and considering the fact that the police submitted 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the jurisdictional Court on the dates fixed for trial and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. 8979 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)