

VB
134. **13.10.2022**
Ct.28 NB/Tgh/Ali

C.R.M. (A) 4936 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with **Tehatta Police Station Case No. 853 of 2022** dated **01/10/2022** under Sections **376/511/448/506/34** of the Indian Penal Code and Section **8** of the POCSO Act.

And

In the matter of: - **Kushilab Bhuiya & Ors.**

...petitioners.

Mr. Asraf Mandal

...for the petitioners.

Mr. P. Bhattacharjee,
Mr. Suman De.

...for the State.

Heard learned Lawyer of the parties.

It is submitted on behalf of the petitioner that there was a love affair between the parties.

Learned Lawyer for the State opposes the prayer for bail.

We have considered the materials on record. The allegation of outraging the modesty of the minor girl requires to be assessed in the light of the aforesaid submission made on behalf of the petitioners.

Keeping in mind the facts and circumstances of the case, we are of the opinion custodial interrogation of the petitioners may not be necessary but movement of the petitioner no.1 requires to be restricted in order to instill confidence in the mind of the victim.

Accordingly, in the event of arrest, the petitioners, *viz.*, **Kushilab Bhuiya, Biplab Bhuiya** and **Anup Bhuiya @ Anup Kumar Bhuiya** 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 local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioner no.1, while on bail shall not enter the jurisdiction of Tehatta Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. (A) 4936 of 2022 is partly allowed.

(Supratim Bhattacharya, J.)

(Joymalya Bagchi, J.)