

25 19.12.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 5880 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar Women** P.S. Case No. **225 of 2022** dated **28/10/2022** under Sections **506/34** of the Indian Penal Code and Sections **4/12** of the POCSO Act.

And

In the matter of: **Sujit Das & Anr.**

....petitioners.

Mr. Dhananjay Banerjee

...for the petitioners.

Mr. Sujan Chatterjee

...for the State.

Petitioners pray for anticipatory bail.

The victim refused to undergo medical examination.

The principal accused was enlarged on bail by the jurisdictional Court.

The petitioners are the parents of the principal accused.

The nature of the incident described by the victim in her statement recorded under Section 164 of the Code of Criminal Procedure does not apparently require custodial interrogation of the petitioners.

In such circumstances, 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/- (Rupees Ten Thousand Only) 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 petitioner no.1 will report before the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner no.2 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 5880 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)