

**08.08.2023**  
SL. 8  
Court No. 29  
Sourav  
(Allowed)

**C.R.M. (A) 2712 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Watgunge** Police Station Case No. **106** of **2023** dated **23.05.2023** under Sections **376/34** of the IPC and under Section **6** of the POCSO Act.

And

In the matter of: **Sumit Kumar Shaw & Anr.**

....petitioners.

Mr. Rishabh Ahmad Khan

...for the petitioners.

Mr. Neguive Ahmed, Ld. APP  
Ms. Trina Mitra

...for the State.

Mr. D. K. Mukherjee

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. The petitioners are the father and paternal uncle of the victim girl who is aged about four years. The statement of the victim girl has been recorded under Section 164 Cr.P.C. which does not inspire confidence in us taking into consideration the nature of allegation especially, when such statement is not supported by the Medical Examination Report of the victim and also not corroborated by the statement of the Medical Officer recorded under Section 161 Cr.P.C.
3. Going to the genesis of the case, it is found that there was matrimonial dispute between the petitioner no. 1 and his wife. There has been settlement in course of investigation. Final report has been filed in the said case and two days after filing of final report, the present case has been initiated to put an embargo on the visitation right given to the petitioner no. 1,

as submitted by the learned Counsel for the petitioners.

4. Investigation is stated to have progressed substantially.
5. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of evidence, genesis of events and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the fact that:
  - i) the petitioners are directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
  - ii) the petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
6. The petitioners are directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 2712 of 2023** is disposed of.
9. The I.O. is hereby directed to act upon the server copy of this order, if required.

**(Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**

