

28.08.2023
SL. 6
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3251 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Joypur** Police Station Case No. **61 of 2023** dated **07.05.2023** under Sections **341/323/325/354/506/34** of the IPC and Section **8** of the POCSO Act.

And

In the matter of: **Raghu Mahato & Anr.**

....petitioners.

Mr. Pawan Kumar Gupta
Mr. Sougata Mitra
Ms. Sofia Nesar
Mr. Santanu Sett

...for the petitioners.

Mr. Abhra Mukherjee
Mr. Goutam Banerjee

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed before us including the FIR and statement of the victim recorded under Section 164 Cr.P.C. and the injury report in respect of the victim.
3. From the materials on record, we do not find any *prima facie* case either under Section 354 IPC or under Section 8 of POCSO Act at least *prima facie*. The injury report is indicative of the fact that there was no external injury on the person of the victim.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of injury as discussed (Supra) and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest 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 conditions 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.
5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 3251 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

