

25.08.2023
M/L 472
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3292 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with POCSO Case No.82/2023 arising out of Kharagpur (Town) P.S. Case No.233 of 2023 dated 26.04.2023 under Sections 448/323/376D/506/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In the matter of : S. Ravi Kumar Rao
@ S.V. Ravi Kumar Rao and others
... Petitioners

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha
... for the petitioners

Mr. Anwar Hossain,
Mr. Arif Ekbal Molla
... for the State

1. Heard learned Counsel for the parties.
2. The present petitioners are family members of the parents-in-law of the complainant. From the statement of the victim recorded under Section 164 Cr.P.C., we find that there is some dispute regarding property between the father and maternal uncle of the victim after the death of the victim's mother. From the statement of the victim recorded under Section 164 Cr.P.C., we do not find any element of 376D IPC. It is alleged that in course of tussle, some of the petitioners have touched her private part and assaulted her and her father.

3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation 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:

- i) The petitioners are directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
- ii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

4. Accordingly, the prayer for the anticipatory bail is allowed.

5. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.

6. The application being CRM(A) 3292 of 2023 is disposed of.

7. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)