

22.09.2023
SL. 13
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3822 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Daspur** Police Station Case No. **57 of 2023** dated **29.01.2023** under Sections **363/365** of the IPC and added Sections **344/376(3)(2)(n)** of the IPC and Sections **6** of the POCSO Act.

And

In the matter of: **Joydeb Kuilya & Anr.**

....petitioners.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioners.

Mr. Ranabir Roy Chowdhury
Mr. Sandip Chakraborty

...for the State.

1. Heard learned Counsel for both the parties.
2. Affidavit-of-service filed by the learned Counsel for the petitioners be kept on record.
3. The present petitioners who were residing in Rajasthan at the relevant time are the cousins of the principal accused. The principal accused had relationship with the victim who is a minor girl. The principal accused took the victim to Rajasthan and kept her there in the house of the present petitioners. There is, however, no allegation regarding any overt act under Section 6 of the POCSO Act against the present petitioners.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, absence of record of past criminal antecedent against 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 condition that:

- (i) 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) 3822 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

