

1 05.02.2024
(AD) Court No.29
(Allowed)

C.R.M. (A) 333 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliganj** P.S. Case No.**865 of 2023** dated **03/12/2023** under Sections **341/323/506/34** of the Indian Penal Code, 1860, and **4/6** of POCSO Act. POCSO Case No.140 of 2023.

And

In the matter of: **Bipad Ghosh & Ors.**

....petitioners.

Mr. Asraf Mandal

...for the petitioners.

Mr. Ashok Das

...for the State.

Affidavit of service filed in Court be taken on record.

None appears for the victim.

Three petitioners are before us.

Victim recorded her statement under Section 164 of the Code of Criminal Procedure where she stated that she knew the petitioner no.1 and that they came into contact with each other over telephone. She stated that, the petitioner no.1 took her to the residence of the petitioner no.1 where she was administered vermilion. She also stated that there was physical relationship between her and the petitioner no.1. The other petitioners assisted the petitioner no.1

Age of the victim apparently is more than 17 years old.

Victim was medically examined.

Neighbours of the victim where the victim stayed with the petitioner no.1 as husband and wife recorded statements under Section 161 of the Code of Criminal Procedure.

Neighbours implicated the petitioners before us.

Apparently, from the statements of the neighbours, it appears that there was a marriage between the victim and the petitioner

no.1.

There is an issue of delay of lodgment of the First Information Report.

Apparently, there is a delay in excess of 90 days from the date of the incident.

We need to contend with the age of the petitioner no.1 also.

It is claimed that petitioner no.1 is 23 years.

Apparently, the materials-on-record suggest requirement of counseling of the private parties more than custodial interrogation of the petitioners before us.

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 nos.1 and 3 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) 333 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)