

26.06.2024
SL No.13
Court No.29
TN
(Allowed)

CRM (A) 1698 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Bharatpur Police Station Case No.69 of 2024 dated 12.03.2024 under Sections 341/323/376/511/34 of the Indian Penal Code read with Section 8 of the Protection of Children from Sexual Offences Act.

And

In the matter of : **Mintu Das.**

- petitioner.

Mr. S. B. Datta,
Ms. Debjani Roy Chowdhury

....for the petitioner.

Mr. Saryati Datta

....for the *de facto* complainant.

Mr. Zareen Khan,
Ms. Suchismita Dutta

... for the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. It is further submitted that a complaint has been lodged against the family members of the victim for assaulting the petitioner with the Bharatpur Police Station.
2. The learned Counsel for the State in opposing the prayer has referred to the statement recorded under Section 164 of the Criminal Procedure Code.
3. The learned counsel for the victim submits that having regard to the statement made by the victim directly implicating the petitioner in the statement recorded under Section 164 of the CrPC, the application may be rejected.

4. Considering the materials available in the case diary and the fact that on an earlier occasion, the petitioner was apprehended in connection with Bharatpur police station case no. 399 of 2023 dated 29th November, 2023 in which the victim has stated that she had left the house due to quarrel with her parents and no one is responsible for her disappearance, on the basis of which the petitioner was granted bail by the Additional Chief Judicial Magistrate, Kandi, Murshidabad on 4th December, 2023 in G. R. Case No. 2230 of 2023 and having regard to the nature of allegation made against the petitioner now, whose veracity is required to be considered at the appropriate stage and also having regard to the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Mintu Das** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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. It is further directed that the present accused petitioner shall appear before the learned Additional Sessions Judge, Special POCSO Court, Kandi, Murshidabad in connection with C. Special Case No. 08 of 2024 within two weeks from date and shall pray for regular bail.

6. It is further directed that the petitioner 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 petitioner in court including cancelling the anticipatory bail granted without further reference to this court.
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)