

21.05.2024

DL-47
Court No.3
(AD)
(Allowed)

C.R.M. (A) 1770 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **419 of 2024** dated **26.03.2024** under Sections **448/323/354/506/34** of the Indian Penal Code, 1860, and Section **8** of the Protection of Children from Sexual Offences Act, 2012 and the same is pending before the Learned Judge, Special Court (POCSO) Act, Berhampore, Murshidabad. (C. Spl Case No.35 of 2024).

And

In the matter of: **Raju Sardar & Ors.**

....petitioners.

Mr. Somnath Adhikary

...for the petitioners.

Mr. P.K. Datta, Ld. APP

Mr. Santanu Deb Roy

... for the State.

1. Apparently, there was an incident during the celebration of holy festivities. There is a previous General Diary with the police regarding the incident.
2. In the present police case revolving around the same incident, the victim recorded her statement under Section 164 of the Code of Criminal Procedure.
3. As to whether, there is an outraging of modesty or whether, the provisions of the POCSO Act gets attracted or not are debatable.
4. In such circumstances, we grant anticipatory bail to the petitioners.
5. 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973

and on condition that the petitioners will report before the Investigating Officer once a week 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.

6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. **C.R.M. (A) 1770 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)