

10.06.2024
SL No.40
Court No.29
(gc)
(Allowed)

CRM (A) 1773 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Malda Police Station Case No.95 of 2024, dated 19.02.2024 under Sections 354/506/34 of the Indian Penal Code read with Section 8/12 of the POCSO Act, 2012.

And

In the matter of : **Pampa Das & Ors.**

- Petitioners.

Ms. Minoti Gomes

....For the Petitioners.

Mr. Abhinav Rakshit

....For the De facto Complainant.

Mr. Arnab Chatterjee,

Mr. Atanu Ghosh

... For the State.

1. The petitioners are the neighbours of the de facto complainant.
It is submitted that they are innocent and due to family dispute they have been falsely implicated.
2. It is further submitted that there is a long standing love affair between the deceased and Ranjit Das. It is submitted that Ranjit Das is a juvenile in conflict with law and his case is under consideration by the J.J.B. of the concerned District.
3. The learned Counsel for the State in opposing the prayer for anticipatory bail has produced the suicide note and the statement recorded under Section 164 of the Cr.P.C. of the mother of the victim.
4. The learned Counsel for the de facto complainant submits that it is extremely unfortunate that the case was ultimately registered

after an application under Section 156(3) of the Cr.P.C. was filed by the mother of the victim as the police have refused to initiate investigation due to the influence of the petitioners. It is submitted that the statement recorded under Section 164 of the Cr.P.C. directly implicates the petitioners in abetting suicide by the victim.

5. Considering the materials available in the case diary, the nature of the allegations against the petitioners, the contents of the suicide note of the victim which does not specifically implicate any of the petitioners and the fact that the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioners is not necessary.
6. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Pampa Das, Gouri Das, Abhay Das @ Abhoy Das** and **Amal Das** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall appear before the learned Special Judge, A.D.J., 2nd Court, Malda within two weeks from date shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
7. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty

to cancel their bail in accordance with law without further reference to this Court.

8. Accordingly, the application for anticipatory bail is disposed of.
9. 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.)