

24.06.2024

Court No.29

Item No. 07

Allowed

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CRM (A) 1772 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 205 of 2024 dated 17.03.2024 under Sections 448/509/506 of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re: Sushanta Mondal @ Mandal

Petitioner

Mr. Abhimanyu Banerjee

Mr. Arnab Saha

For the Petitioner

Mr. Rana Mukherjee, Ld. APP

Ms. Snigdha Saha

For the State

Mr. Jayanta Narayan Chatterjee

Mr. Supreem Naskar

Ms. Jayashree Patra

For the De-facto Complainant

1. Learned counsel for the petitioner submits that the petitioner is having a romantic relationship with the de-facto complainant and he has been falsely implicated in the instant case.
2. As rightly pointed out by the learned APP that the first paragraph of the order has incorrectly recorded the facts as the case was registered only in the year 2024.
3. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim recorded under Section 164 Cr.P.C.
4. Learned counsel for the de-facto complainant has also relied upon the said statement and has prayed for rejection of the prayer for anticipatory bail.

5. Considering the materials available in the case diary and the nature and complicity of the petitioner in the alleged offence, we are of the view that custodial interrogation of the petitioner is not necessary.
6. Accordingly, we direct that in the event of arrest, the petitioner namely, **Sushanta Mondal @ Mandal** 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and shall not enter the jurisdiction of Gazol Police Station, Malda, except for the purpose of meeting the I.O till the submission of the final report. The petitioner shall also inform the I.O regarding the present address, where he shall be presently residing with proof of residence and on further condition that the petitioner shall appear before the jurisdictional Court within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)

