

18.07.2024
Sl No. 15
Court No. 29
TN
(Allowed)

CRM (A) 2041 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Berhampore Police Station Case No. 1332 of 2023 dated 13.09.2023 under Sections 363/365 of the Indian Penal Code with added Sections 376/195A/506/34 IPC read with Section 4 of POCSO Act, 2012.

And

In the matter of : **Gopal Chowdhury and another.**

- petitioners

Mr. Soumojit Das Mahapatra,
Mr. Ali Ahasan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. June Modak

....for the petitioners

Mr. Apan Saha

... for the *de facto* complainant

Ms. Anasuya Sinha, Ld. APP,
Mr. Rafat Zahan

....for the State

1. The learned counsel for the petitioners submits that the petitioners are the brothers of the principal accused Mithun who is presently in custody and the petitioners are innocent.
2. The learned counsel for the State has produced the case diary and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.
3. The learned counsel for the *de facto* complainant submits that the present petitioners are threatening the victim and her parents.
4. **It appears from the statement of the victim that the main allegation is against Mithun and the only allegation against the petitioners as appearing from the statement**

of the father of the victim is that they are threatening the persons.

5. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and that the principal accused is already in custody and charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioners is not necessary.
6. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Gopal Chowdhury and Kartik Chowdhury @ Kartick Chowdhury** 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 and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.
7. The petitioners shall not enter the Berhampore police station except for the purpose of attending the court. The petitioners shall file brief of address of the places where the petitioners shall now presently reside with the learned Trial Court as well as the Officer-in-Charge of the police station concerned.
8. It is further directed that the present accused petitioners shall appear before the learned Judge, Special Court under POCSO Act, Berhampore, Murshidabad within two weeks from date and pray for regular bail.

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

10. 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.)