

04.07.2024
SL No.15
Court No.29
(gc)
(Allowed)

CRM (A) 2093 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kharagpur (Local) Police Station Case No.558 of 2023 dated 12.07.2023 under Sections 342/506/34 of the Indian Penal Code read with Section 4/17 of the POCSO Act, 2012.

And

In the matter of : **XYZ**

- Petitioners.

Mr. Amit Ranjan Pati,
Ms. Swastika Chowdhury,
....For the Petitioners.

Mr. Subhamoy Bhattacharya,
Mr. Kaustav Banerjee
... For the State.

1. The petitioner no.1 is the mother, petitioner no.2 is the grandmother of the victim and petitioner no.3 is the neighbour. It is submitted that due to matrimonial discord and issue relating to the custody of the child, a false complaint has been lodged by the de facto complainant.
2. The learned Counsel for the State submits that the petitioner no.3 is the paramour of the petitioner no.1 to which the de facto complainant had objection and has produced the case diary.
3. Considering the materials available in the case diary, the statement of the victim recorded under Section 164 of the Cr.P.C. that the child wants to stay with her mother, the petitioner no.1 herein, and the nature and extent of complicity of the petitioners in the commission of the alleged offence, we are

of the view that the custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners 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. It is further directed that the petitioner no.3 shall meet the Investigating Officer once in a week and the petitioner nos.1 and 2 shall cooperate with the investigation and they shall not leave the jurisdiction of the Kharagpur (Local) Police Station without the leave of the Investigating Officer till the submission of the final report. It is further directed that the petitioners shall appear before the learned Special Judge under POCSO Act, 2nd Court, Paschim Medinipur in connection with POCSO Case No.126 of 2023 and pray for regular bail within two weeks from date.
5. Accordingly, the application for anticipatory bail is disposed of.
6. 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.)