

Court No. 29
(266041)

CRM (A) 2320 of 2024

02.08.2024
(AD 22)
(S. Banerjee)

(Allowed)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Haringhata Police Station Case No. 268 of 2024 dated 26.05.2024 under Sections 363/365/34 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Kalyani, Nadia.

And

In the matter of: **Deba Mondal @ Bapi Mondal & Anr.**
...petitioners

Mr. Shibaji Kumar Das
Mr. Dipendu Sarkar
Ms. Deblina De

... for the petitioners

Mr. Rudradipto Nandi
Mr. Kaushik Biswas

... for the State

Mr. Saibal Krishna Dasgupta

... for the de facto complainant

1. The petitioner no. 1 is the principal accused and the petitioner no. 2 is the father of the petitioner no. 1.
2. It is submitted on behalf of the petitioners that they have been falsely implicated.
3. Learned counsel for the State in opposing the prayer has referred to the medical report of the statement of the victim.
4. Learned counsel for the de facto complainant has submitted that her daughter was enticed by the petitioners and she is a minor.
5. Considering the materials available in the case diary, the statement of the victim wherefrom it appears that she has

fled with the petitioner and she forced the petitioner no. 1 to take her and it may be that the petitioner no. 1 had fled due to this complaint and there has been no medical report suggesting any assault, 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 petitioner no. 1 (Deba Mondal @ Bapi Mondal) and the petitioner no. 2 (Swapam Mondal) shall be released on bail upon furnishing a bond of Rs. 5,000/- each with two sureties of like amount, 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, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
7. The petitioner no. 1 shall meet the investigating officer once in a fortnight till filing of the final report. The Petitioner no. 2 shall cooperate with investigation.
8. Accordingly, the application for anticipatory bail is allowed.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)