

22.07.2024
Court No.29
Item No. 15

Allowed

sg

CRM (A) 2382 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS Act, in connection with Santipur Police Station Case No. 542 of 2024 dated 01.05.2024 under Sections 447/323/325/354B/506/34 of the Indian Penal Code and Section 8 of the POCSO Act, pending before the learned Additional District & Sessions Judge, Special Court (under POCSO Act), Ranaghat, Nadia.

And

In Re: **Bappa Sarkar**

Petitioners

Ms. Sananda Bhattacharyya

For the Petitioner

Ms. Subhasree Patel

Ms. Madhumita Basak

For the State

1. The affidavit of service filed in Court is taken on record.
2. In spite of service, the defacto complainant is not represented.
3. Considering the materials available in the case dairy, the statement of the de-facto complainant recorded under Section 164 of the Code of Criminal Procedure which does not specifically implicate the petitioner and also considering the medical report and also having regard to the fact that the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest the petitioner namely, **Bappa Sarkar**, 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, to the satisfaction of learned Additional District & Sessions Judge,

Special Court (under POCSO Act), Ranaghat, Nadia and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and subject to further condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders.

5. In the event the petitioner fails 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 any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. CRM (A) 2382 of 2024 is, thus, 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.)