

29.07.2024  
SL No.46  
Court No.29  
(gc)  
(Allowed)

**CRM (A) 2520 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 filed in connection with Patiram Police Station Case No.32 of 2024 dated 6.2.2024 under Sections 363/365/376/109 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In the matter of : **Manindra Saha @ Moni & Ors.**

- Petitioners.

Mr. Biswajit Manna

....For the Petitioners.

Ms. Anasuya Sinha, Ld. A.P.P.,

Ms. Rita Datta

... For the State.

1. The affidavit-of-service filed in Court is taken on record.
2. In spite of service, the victim is not represented.
3. The petitioner no.1 is the paternal uncle of the principal accused. The petitioner nos.2 and 3 are the wife and son of the petitioner no.1. The learned Counsel for the petitioners submits that the petitioners are no way connected with the alleged offence and they have been falsely implicated.
4. The learned Counsel for the State in opposing the prayer has referred to the statement of the victim recorded under Section 164 of the Cr.P.C.
5. Considering the materials available in the case diary and the nature of the statement of the victim in which she has not made any allegation against any of the petitioners 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 petitioners is not necessary.

6. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Manindra Saha @ Moni, Lata Saha** and **Sebak Saha**, shall be released on bail upon furnishing a bond of Rs.5,000/- 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 corresponding to Section 482(2) of the BNSS, 2023. It is further directed that the petitioners shall appear before the learned Special Judge under POCSO Act, Balurghat, Dakshin Dinajpur in connection with Special Case No.32 of 2024 within two weeks from date.
7. It is further directed that the petitioners shall appear each and every date of hearing before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.
8. Accordingly, the application for anticipatory bail is disposed of.
9. 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.)**