

27.08.2024
Sl No.22
Court No. 29
TN
(Allowed)

CRM (A) 2757 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Chanchal Police Station Case No.266 of 2024 dated 25.03.2024 under Sections 363/365/34 of IPC, 1860 and adding Section 6 of the POCSO Act, 2012.

And

In the matter of: **Biswajit Nunia and others**

.... petitioners

Ms. Sujata Das

....for the petitioners

Ms. Afreen Begum

....for the victim

Mr. Saryati Datta,
Ms. Ranjandini Das

... for the State

1. The affidavit of service kept on record.
2. The report filed by the State as regards service upon the *de facto* complainant is also taken on record.
3. The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
4. The learned counsel for the State and the *de facto* complainant have opposed the prayer for anticipatory bail.
5. The learned counsel for the State submits that the principal accused has been enlarged on bail.
6. 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 having regard to the

statement of the victim recorded under Section 164 of the Code of Criminal Procedure and also having regard to the fact that Palash has been granted bail by the trial court and charge sheet has already been filed, we are of the view that custodial interrogation of the petitioners is not necessary.

7. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Biswajit Nunia**, **Shiba Nuniya** and **Chandan Nunia** respectively shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, 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.
8. It is further directed that the present accused petitioners shall appear before the learned Judge, Special Court, Chanchal, Malda 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.)