

19.08.2024
SL No.17
Court No.29
(gc)
(Allowed)

CRM (A) 2797 of 2024

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, 2023 filed in connection with Domjur Police Station Case No.507 of 2024 dated 01.07.2024 under Sections 448/323/325/354B/506/34 of the Indian Penal Code read with Section 12 of the POCSO Act.

And

In the matter of : **Surojit Ghosh & Ors.**

- Petitioners.

Mr. Ashok Das,

Mr. Sourav Mukherjee

....For the Petitioners.

Mr. Sudip Kumar, Ld. A.P.P.,

Ms. Sujata Das

... For the State.

1. In spite of service, the victim is not represented.
2. The learned Counsel for the petitioners submits that due to previous grudge, a false complaint has been lodged against the petitioners.
3. The learned Counsel for the State has produced the case diary with the injury report as directed earlier.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence, the statement of the victim recorded under Section 164 Cr.P.C. and the nature of injury which appears to be not grievous in nature, we are of the view that custodial interrogation of the petitioners is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Surojit Ghosh, Biswajit Ghosh, Bijoy Ghosh @ Bijoy Ghosh** and **Sandip Ghosh @ Sandeep Ghosh**, 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 corresponding to Section 482(2) of the BNSS, 2023 and the petitioners shall meet the I.O. once in a week till the submission of the final report.

6. It is further directed that the petitioners shall appear before the learned Judge, Special Court (under POCSO Act), Howrah in connection with Special T.R. Case No.111 of 2024 within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. 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.)