

19.08.2024
SL No.36
Court No.29
(b.das)
(Allowed)

CRM (A) 2843 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 Bharatpur Police Station Case No.205 of 2024 dated 01.08.2024 under Sections 12792)/64/351(2)/3(5) of the Bharatia Naya Sanhita and Section 6 of the POCSO Act.

And

In the matter of : **Samirul Mallick & Anr.**

- Petitioners.

Ms. Minoti Gomes
Mr. J. I. Hossain

....For the Petitioners.

Mr. Arijit Ganguly
Ms. Puspita Saha

... For the State.

Mr. Abdus Salam

...for the de facto complainant.

1. Heard the learned Counsel for the parties.
2. The petitioner no.1 is the brother and the petitioner no.2 is the mother of the principal accused.
3. Learned counsel for the petitioners submits that they were in no way connected with the alleged offence.
4. Learned counsel for the de facto complainant and the State opposes the prayer for anticipatory bail.
5. Considering the materials available in the Case Diary, the nature of extent of the complicity of the petitioners in the alleged offence and the statement of the victim exonerating the principal accused of any offence, we are inclined to grant anticipatory bail to the petitioners.
6. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Samirul Mallick & Mohora Bibi @ Mahara**

Bibi, 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 and the petitioner no.1 shall meet the I.O. once in a week and the petitioner no.2 shall co-operate with the investigation.

7. It is further directed that the petitioners shall appear before the learned Judge (Special Court), Kandi, Murshidabad within two weeks.
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.)