

05.09.2024
AD-62
Court No.29
TN
(Allowed)

CRM (A) 3127 of 2024

In Re:- An application 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 Nayagram Police Station Case No. 82 of 2024 dated 16.06.2024 under Sections 363/365/34 of the IPC and adding Section 376(2)(n) of the IPC read with Sections 4/6 of the POCSO Act.

And

In the matter of: **Jhantu Khilari @ Khelari and another**

.... petitioners

Mr. Navanil De,
Ms. Monami Mukherjee

....for the petitioners

Mr. Kunal Ganguly

....for the State

1. In spite of service, the victim is not represented.
2. Heard the learned counsel for the parties.
3. Considering the materials available in the case diary and more particularly the statement of the victim recorded under Section 164 of the Code of Criminal Procedure in which no specific allegation has been made against the present petitioners, we are of the view that the custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Jhantu Khilari @ Khelari** and **Basanti Khilari @ Khelari** respectively shall be released on bail upon furnishing a bond of Rs.5,000/- 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.

5. The petitioner no.1 shall meet the Investigating Officer once in a week till submission of the final report and the petitioner no.2 shall cooperate with the investigation.
6. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Jhargram 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.)

(Shampa Dutt (Paul), J.)