

11.09.2024
Court No.29
Item No. 33

Allowed
sg

CRM (A) 3237 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Nandigram Police Station Case No. 600 of 2024 dated 08.07.2024 under Sections 126(2)/115(2)/351(2) of the BNS read with Section 8 of POCSO Act, pending before the learned Additional Sessions Judge-Cum-Judge, Special (POCSO) at Haldia, Purba Medinipur.

And

In Re: **Ashok Bera @ Ashok Kumar Bera**
Petitioner

Mr. Swapan Kumar Mallick
Ms. Sudeshna Das

For the Petitioner

Mr. Bitasok Banerjee
Ms. Debadrita Mondal

For the State

Mr. Sk. Reyaul Alam

For the opposite party no.2

1. We have heard the learned Counsel for the parties.
2. The learned Counsel for the petitioner submits that over a property dispute, a false complaint has been lodged against the petitioner. The petitioner has filed a title suit claiming declaration, injunction and partition.
3. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the statement of the victim recorded under Section 161 and Section 164 of the Code of Criminal Procedure.
4. The learned Counsel for the defacto complainant has also opposed the prayer for anticipatory bail.
5. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in commission of alleged offence and in view of

fact that there appears to be a civil litigation between the parties and also having regard to the nature of the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the possibility of a false implication in the facts and circumstances of the case cannot be ruled out and the fact that the charge sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.

6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Ashok Bera @ Ashok Kumar Bera**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge-Cum-Judge, Special (POCSO) at Haldia, Purba Medinipur 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 Bharatiya Nagarik Suraksha Sanhita. The petitioner shall appear before the trial court within two weeks from date and thereafter shall appear on each and every date of hearing until further orders.
7. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without any further reference to this Court.
8. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
9. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)