

13.09.2024
Court No.29
Item No. 31

Allowed

SM/Asis

CRM (A) 3298 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 Harishchandrapur Police Station Case No. 642 of 2024 dated 27.07.2024 under Sections 126(2)/78(2)/351(2) of the Bharatiya Nyaya Sanghita, 2023 read with Section 12 of the POCSO Act, 2012 presently pending before the Court of learned Special Judge, under the provisions of POCSO Act, Chanchal, Malda.

And

In Re: **Koushik Paul @ Kaushik Paul & Ors.**

.. Petitioners.

Mr. B. Bhattacharya,
Mr. A. Sarkar,
Mr. S. Pakrashy.

For the Petitioners

Sk. Md. Wasim Akram,
Ms. Nargish Parveen.

For the de facto complainant.

Mrs. Minoti Gomes,
Ms. Sritama Das.

For the State.

1. Heard the learned counsel for the parties.
2. Learned Counsel for the petitioners submits that the petitioner no.1 was in a romantic relationship with the victim and the petitioner nos.2 and 3 are the parents of the petitioner no.1.
3. Learned Counsel for the State and the de facto complainant have opposed the prayer for anticipatory bail of the petitioners.
4. Considering the materials available in the case diary and 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 in which she has directly implicated the petitioners of blackmailing her and has uploaded photographs taken privately in a social media to malign her reputation, we are not inclined

to grant anticipatory bail to the petitioner no.1, **Koushik Paul @ Kaushik Paul.**

5. However, the prayer for anticipatory bail of the petitioner nos.2 and 3 are allowed, having regard to the fact that no specific overt act has been ascribed to the said petitioners and they have not been named by the victim either.
6. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Ram Paul @ Ram Pal and Sahvita Paul @ Sabita Pal @ Sabita Paul** shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer of the concerned Police Station and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall appear before the Investigating Officer of the concerned Police Station as and when required and on further condition that the petitioners shall appear before the jurisdictional Court within two weeks and on every date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioner nos. 2 and 3 is allowed and the same is accordingly disposed of.
8. 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.)