

04.10.2024
SL No.14
Court No.29
(gc)
(Allowed)

CRM (A) 3353 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ratua Police Station Case No. 431 of 2024 dated 06.08.2024 corresponding to Special Case No. 67 of 2024 under Sections 137(2)/140(3) of the Bharatiya Nyaya Sanhita and read with Section 4 of the Protection of Children from Sexual Offences Act.

And

In Re: **Mir Kaisul & Ors.**

.... Petitioners

Mr. Bibaswan Bhattacharya
Mr. Saptarshee Pakrashy
....For the Petitioners.

Mr. Saryati Dutta
Mr. Arabinda Manna
... For the State.

Mr. Navanil De
Ms. Monami Mukherjee
....For the De facto Complainant.
(Appointed by Legal Aid)

1. The learned Counsel for the petitioners submits that the petitioner no.1 was in love relationship with the victim and a false complaint has been lodged against him as the parents of the victim were disinclined to give marriage to their daughter to the petitioner no.1. The petitioner nos.2 to 5 are all relations and/or relatives of the petitioner no.1.
2. The learned Counsel for the de facto complainant submits that the victim was forcefully abducted.
3. The learned Counsel for the State has produced the case diary and opposed the prayer for anticipatory bail.

4. Considering the materials available in the case diary, the nature and extent of complicity of each of the petitioners in the commission of the alleged offence and the roles ascribed to each of the petitioners as revealed from the case diary and the statement of the victim, 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, **Mir Kaisul, Mir Sajrul @ Mir Setarul, Rabi Bibi @ Rubi Bibi, Nurjahan Khatun** and **Majila Bibi @ Manjira Bibi**, 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 482(2) of the BNSS, 2023 and on further condition that the petitioner nos.1 and 2 shall meet the I.O. once in a fortnight and the petitioner nos.3, 4 and 5 shall cooperate with the investigation till the submission of the final report.
6. It is further directed that the petitioners shall appear before the learned Special Judge, Chanchal, Malda in connection with Special Case No.67 of 2024 on or before 8th October, 2024.
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.)