

CRM (A) 3309 of 2024

In Re:- An application under Section 438 of the Code of Criminal Procedure, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Santipur Police Station Case No. 766 of 2024 dated 10.06.2024 under Sections 341/323/325/354(B)/506/34 of the IPC, 1860 and charge sheet submitted on 31.07.2024 under Sections 341/323/325/354(B)/506/34 of the IPC, 1860 and added Section 8 of the POCSO Act, 2012.

And

In the matter of: **Raghunath Kundu @ Bapi**

.... petitioner

Mr. Amanul Islam,
Mr. Sourav Mukherjee

....for the petitioner

Mr. Saibal Bapuli, Ld. APP,
Mr. Sujan Chatterjee

....for the State

Ms. Suchismita Dutta

....for the *de facto* complainant

1. Pursuant to the notice, the victim is represented.
2. Heard the learned counsel for the parties.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and also having regard to the nature of the dispute between the two brothers over boundary and assessing the statement of the child in the context of the dispute between the parties, we are of the view that custodial interrogation of the petitioner is not necessary. Moreover, the charge sheet has already been filed.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Raghunath Kundu @ Bapi** shall be

released on bail upon furnishing a bond of Rs.10,000/-, 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. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate at Ranaghat, Nadia within ten days from date.
6. The report is kept with the record.
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.)