

03.10.2024
Court No.29
Item No. 36

Allowed

sg

CRM (A) 3537 of 2024

In Re:- An application for anticipatory bail under Section 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with English Bazar Police Station Case No. 1101 of 2024 dated 07.08.2024 under Section 6 of POCSO Act read with Section 3(5) of BNS and Section 351(2) of BNS, pending before the learned Judge (Special Court), ADJ, 2nd Court, Malda.

And

In Re: **Gokul Mandal & Ors.**

Petitioners

Mr. Aniket Mitra
Mr. Sayan Dutta

For the Petitioners

Mr. Avishek Sinha
Mr. Mainak Gupta

For the State

Mr. Tapas Singha Roy

For the defacto complainant

1. The petitioner no.1 is the father, petitioner no.2 is the mother and the petitioner no.3 is the brother of the principal accused, Gourav Mondal. It is submitted on behalf of the petitioners that the petitioners are innocent and they have been falsely implicated in the instance case. It is further submitted that Gourav had a relationship with the defacto complainant.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of alleged offence, the gravity of offence and also having regard to the role ascribed to the present petitioners and in view of the fact that the names of the petitioner nos. 1 to 3

have not been mentioned by the victim in her statement recorded under Section 164 of the Code of Criminal Procedure, we are of the view that the custodial interrogation of the present petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the present petitioners, namely, **Gokul Mandal, Maya Mandal and Bapi Mandal**, 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 Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner nos. 1 and 3 shall meet the Investigating Officer once in a fortnight and the petitioner 2 shall cooperate with the investigation till the submission of the final report. The petitioners shall appear before the learned Additional District Judge, 2nd Court, Malda within ten days from date.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
6. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)