

19.02.2024
Item No.61
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4945 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachawk** Police Station Case No. **1222** of **2023** dated **10.09.2023** under Section **4** of the POCSO Act.

And

In the matter of : Amal Kumar Mondal

..... petitioner

Mr. Milon Mukherjee, Ld. Senior Advocate
Mr. Sandip Chakraborty,
Mr. Kaustav Das
....for the petitioner

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee
....for the State

Ms. Pampa Dey (Dhabal)
Ms. Sangita Banerjee
....for the de facto complainant

Supplementary affidavit filed in Court be taken on record.

Claim of the petitioner is one of false implication.
According to the petitioner, as the Headmaster of the institution, the petitioner came across offensive materials being exchanged between the victim and another co-student. Petitioner intervened. Offensive materials were retained with the petitioner. Consequent upon such incident taking place, the police complaint was lodged to falsely implicate the petitioner.

State and the de facto complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary including the statement recorded under Section 164 of the Criminal Procedure Code.

In Court, we invited the learned advocate for the de facto complainant to assist us as to whether, one of the offensive material was written by the victim or not. She after taking instructions, answers in the affirmative.

Attention of the learned advocate for the de facto complainant is also drawn to the writing of the medical officer where, the grandfather of the victim declined medical examination. Learned advocate appearing for the de facto complainant after consulting the grandfather of the victim who is present in Court answers in the affirmative.

The contents of the statement recorded under Section 164 of the Criminal Procedure Code remains largely uncorroborated at this stage on the materials present available in the Case Diary. Moreover, the issue of false implication cannot be overlooked at this stage.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section

438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner will report before the Investigating Officer once in a fortnight till the conclusion of investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4945 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)