

11.12.2024
Sl. No.19
akd
[ALLOWED]

C. R. M. (A) 4258 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 27.11.2024 in connection with All Women Police Station Kharagpur Case No.67 of 2024 dated 14.11.2024 under Section 75 of the Bharatiya Nyaya Sanhita, 2023 and Section 12 of the POCSO Act.

And

In Re: ***Vikash Agarwal***

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
Mr. Ranabeer Halder

... .. for the petitioner

Mr. Soumik Ganguly
Mr. Akash Ganguly

... .. for the State

1. It is submitted on behalf of the petitioner that he has been falsely implicated out of personal grudge. Interaction between himself and the minor child was out of innocent love and affection. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record including the statement of the minor victim. She stated petitioner touched her inappropriately and made proposal to her. On the other hand, petitioner states his interaction with the minor was out of innocent love and affection. Keeping in mind the aforesaid fact, we are of the opinion though custodial interrogation of the accused/petitioner for progress of investigation is not necessary, his access to the minor may lead to commission of similar offences in future.
4. Accordingly, we direct in the event of arrest, the accused/petitioner, namely ***Vikash Agarwal***, 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 subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Kharagpur (Town) Police Station and shall provide the address where he shall presently reside to the Investigating Agency as well as the jurisdictional court and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. Petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

5. The application for anticipatory bail is, thus, disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)