

02.12.2024
Ct. No. 01
SL No. 91
Cp
Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 797 of 2024

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with Boxirhat Police Station Case No.192 of 2024, dated 28.04.2024 under Sections 363/365/366/506/34 of the Indian Penal Code, 1860.

And

In the matter of: **Laxmi Ghosh & Ors.**

....Petitioners.

Mr. Hillol Saha Podder
Ms. Mousumi Das

...for the Petitioners.

Mr. Aditi Shankar Chakraborty
Mr. Aniruddha Biswas

... for the State.

Affidavit of service is taken on record.

Despite service, none appears on behalf of the de facto complainant.

Learned advocate for the petitioners pray for anticipatory bail on the ground that the principal accused has already been released on bail and the investigation is complete.

Learned advocate for the State produces the case diary and the statement of the victim recorded under Section 164 of the Cr.P.C., corresponding to Section 183 of the B.N.S.S. The medical report is also placed.

Considering the materials on record and the fact that the principal accused has already been released on bail, we are of the view that custodial interrogation of the petitioners are not required.

Accordingly, we direct that in the event of arrest the petitioners, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of equal amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, POCSO Act, Tufanganj and subject to conditions that the petitioners shall appear before the learned trial court on each date of hearing as may be fixed, until further orders of the said court. The petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In case the petitioners fail to adhere to any of the conditions stated above, the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

The application for anticipatory bail, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)