

29.11.2024
Ct. No. 01
SL No. 38
Cp
(allowed)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 799 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 Tufanganj Police Station Case No.272 of 2024, dated 11th April, 2024, under Sections 363/365/109/323/506 of the Indian Penal Code, 1860.

And

In the matter of: **Subodh Das & Anr.**

....Petitioners.

Mr. Hillol Saha Podder
Ms. M. Das

...for the Petitioners.

Mr. Biswarup Roy

... for the State.

Affidavit of service is taken on record.

None appears for the de facto complainant.

Learned advocate for the petitioners submits that the petitioners are the parents of the principal accused. They pray for anticipatory bail on the ground that they had been falsely implicated and also on the ground that investigation is complete. Charge-sheet has also been submitted.

Learned advocate for the State produces the case diary and opposes such prayer of the petitioners.

We have perused the materials on record as also the statement of the victim recorded under Section 164 of the Cr.P.C. corresponding to Section 183 of the B.N.S.S., 2023. Prima facie, we do not find any incriminating materials against the petitioners. No specific allegations have been made against the petitioners. As the investigation is

complete, we do not find that there is any necessity for custodial interrogation of the petitioners.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Subodh Das and Archana Das, the petitioner nos. 1 and 2**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of equal amount each, to the satisfaction of the learned Special Court, under POCSO Act, Tufanganj. The petitioners shall appear before the learned trial court on each date of hearing as may be fixed. 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.)