

28.11.2024
SI No.30
s.biswas
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM (A) 897 of 2024

In Re: An application for anticipatory bail under Section 482 of the BNSS in connection with **Sahebganj** Police Station Case No. **554/2024** dated **17.09.2024** under Sections **126(2)/351(3)/117(2)/109/3(5)** of the BNSS.

And

In Re: **Dilip Modak and another**

... .. Petitioners

Mr. Swarup Das

... for the petitioners

Mr. Aditi Shankar Chakraborty, APP

Mr. Biswarup Roy

... .. for the State

1. The petitioners pray for pre-arrest bail. Learned counsel for the petitioners submits that the father of the de facto complainant sexually assaulted the petitioner's daughter. The complaint was lodged as a retaliation to the prior complaint lodged by the petitioners.
2. Learned counsel appearing on behalf of the State produces the case diary and vehemently opposes the prayer for anticipatory bail of the petitioners.
3. Upon perusal of the materials in the case diary and the injury report, we are of the view that custodial interrogation of the petitioners is not necessary and the benefit under Section 482 of the BNSS can be extended to the petitioners.

4. Accordingly, we direct that in the event of arrest, the petitioners 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 arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the investigating officer once in a week until further orders.
5. The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)