

18.02.2025
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Partly
Allowed

CRM (A) No. 435 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Balurghat Police Station Case No. 678 of 2024 dated 21.08.2024 under Sections 137(2)/140(3)/351(2)/3(5) of the BNS read with Section 6 of the POCSO Act.

And

In Re : Sujan Sarkar & Ors. petitioners

Mr. Kaushik Choudhury
Ms. Mun Mun Dutta

..... for the petitioners

Mr. Bibaswan Bhattacharyya
Mr. Sobhan Gani

..... for the State

1. Report filed in Court be kept on record.
2. Heard the learned advocates for the parties.
3. We have considered the materials on record. Victim is a minor. Petitioner no. 4 kidnapped and detained her for more than a month. He had physical relation with her. Accordingly, we are not inclined to grant anticipatory bail to the petitioner no. 4.
4. Accordingly, prayer for anticipatory bail in so far as petitioner no. 4 concerned is rejected.
5. However, petitioners no. 1 to 3 are his relations. There is no allegation levelled against them in the statement of the victim girl. Hence, we are inclined to grant anticipatory bail to the petitioner nos. 1 to 3.

6. Accordingly, we direct that in the event of arrest, petitioner nos. 1) Sujan Sarkar, 2) Sayamali Sutradhar Sarkar @ Sarkar, and 3) Gopal Sarkar shall be released on bail upon furnishing a bond of Rs. 10,000/- each, 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 and on condition that they shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

7. The application for anticipatory bail in so far as petitioner nos. 1 to 3 concerned is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)