

06.03.2025

4
sdas
Allowed

C.R.M. (A) No. 673 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Gangarampur Police Station Case No. 678 of 2024 dated 17.12.2024 under Sections 126(2)/5(2)/117(2)/74/3(5) of the BNS read with Section 8 of POCSO Act.

And

In Re : Dilip Mardi & Anr. petitioners

Ms. Nandini Chatterjee

.....for the petitioners

Mr. Sanjay Bardhan

Ms. Sonali Bhar

....for the State

Mr. A. Rakshit

..... for de facto complainant

1. Learned Counsel for the petitioners submits there is prior enmity between the parties. Case and counter case have been registered. Allegation of molestation is an embellishment to falsely implicate the petitioners. They pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. Learned Counsel for the *de facto* complainant also opposes the prayer for anticipatory bail.

4. We have considered the materials on record. We have also examined the statement of the victim. She states while she was returning after playing with her friends

petitioners had molested her. An earlier case over the incident has also been registered wherein the factual matrix is portrayed otherwise. Rival versions of the parties require to be adjudicated at the appropriate stage of the proceeding. In light of the aforesaid circumstances, we are of the opinion custodial interrogation is not necessary but petitioners require to co-operate with investigation.

5. 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 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 further condition that they shall meet the investigating officer once in a week until further orders. They shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)