

18.03.2025

Serial no. 40
Anticipatory Bail

[Allowed]

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CRM (A) 926 of 2025

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kharagpur(Local)** Police Station Case No. **1075** of **2024** dated **14.12.2024** under Sections **126(2)/115(2)/117(2)/118(1)/109(1)/75(2)/76/79/351(2)/3(5)** of Bharatiya Nyaya Sanhita, **2023 read with Section 8 of POCSO, 2012 Act.** pending before Additional District and Sessions Judge, 2nd Court, Paschim Medinipur.*

-And-

In the matter of : **SK MOBJEL ALI @ SK MABJEL AND ORS.**

... .. Petitioners

*Mr. Amit Ranjan Pati,
Ms. Swastika Chowdhury,
Ms. Mehelee Chattopadhyay, Advocates
... .. For the Petitioners*

*Mr. Anwar Hossain,
Ms. Nandini Chatterjee, Advocate
... ..For the State*

1. Petitioners pray for anticipatory bail.
2. Learned advocate appearing for the petitioners submits that the petitioners were falsely implicated. The police complaint was lodged immediately after the petitioners obtaining an order of injunction from a civil Court as against the father of the victim.
3. Learned advocate appearing for the State refers to the materials in the case diary including the statement recorded under Section 183 of the BNSS, 2023.
4. None appears for the de facto complainant despite service.
5. Apparently, there are civil disputes between the private parties. There is a pending Civil Suit being TS No. 657 of 2024 where there subsists an order dated November 19, 2024. The father of the victim is a defendant in such suit.
6. There are statements recorded under Section 183 of the BNSS, 2023 which speaks of an incident of assault.

Apparently, there was a free fight between the two groups where several persons suffered injuries.

7. The issue as to whether, the petitioner is guilty of offences allegedly under the POCSO Act, 2012 is not sufficiently corroborated by the materials on record so as to warrant custodial interrogation of the petitioners. Injury report does not suggest that any of the injuries suffered as grievous hurt.
8. Issue of fake implication due to previous enmity cannot be overlooked.
9. Police filed charge sheet.
10. In such circumstances, we grant anticipatory bail to the petitioners.
11. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.
12. Prayer for anticipatory bail of the petitioners is **allowed**.
13. **CRM (A) 926 of 2025** is **disposed of**.

(Debangsu Basak, J.)

(Smita Das De, J.)