

29/04/2025

D/L 38
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1364 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Special case no. 37 of 2024 arising out of Harishchandrapur police station case no. 414 of 2024 dated 20.5.2024 under Section 448/326/354B/323/34 IPC.

In the matter of: Panchu Paswan & Ors.

... Petitioner

Ms. Sujata Das

...for the petitioner.

Mr. Arindam Sen

Mr. A. S. Chatterjee

...for the State.

1. Affidavit of service filed in Court today is taken on record.
2. Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the relations of the de-facto complainant and the victim girl. Although, the date of occurrence alleged is 27.3.2024, the FIR was lodged by way of an application before the learned Magistrate after about a month. This is a retaliation to the petitioner's FIR that was lodged in this regard on 28.3.2024. There is no element of any offence under the POCSO Act.
3. Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. The victim girl in her statement made before the learned Magistrate stated that the accused had beaten up the petitioner's grandmother and mother and when she went, her dress was torn.

4. It will be for the Court to decide finally whether any element of the offences alleged is made out under the POCSO Act.
5. However, considering the nature of allegations, the statement of the victim girl coupled with the fact that an earlier case was registered from the end of the petitioners, I do not think that custodial interrogation of the petitioners is required in this case.
6. 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, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to further conditions that the petitioners shall cooperate with the investigation, the petitioners shall meet the I.O once in fortnight till submission of report in final form, shall stay outside the jurisdiction of Harischandrapur Police Station for a period of six months from date, except for the purpose of meeting the I.O or attending the jurisdictional Court and the petitioners shall not threaten or intimidate witnesses.
7. Accordingly, the application for anticipatory bail is allowed.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)