

13.01.2025
Sl. No.21
akd
[ALLOWED]

C. R. M. (A) 108 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 23.12.2024 in connection with Liluah Police Station Case No.583 of 2024 dated 01.11.2024 under Sections 85/74/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Sections 8/12 of the POCSO Act.

And

In Re: **XXX & Anr.**

... .. Petitioners

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder

... .. for the petitioners

Ms. Urbi Roy
Mr. Aveek Bose
Ms. Simontini Bhadra

... .. for the de-facto complainant

Md. Zubair Alam
Ms. Arfin Begum

... .. for the State

1. It is submitted on behalf of the petitioners that they are the great grandparents-in-law of the victim. Petitioner no.1 had gifted the immovable house and property to the de-facto complainant and her son. Subsequently, family dispute cropped up. A civil suit is pending between the parties. Petitioners have been falsely implicated. Accordingly, they pray for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail. She submits petitioner no.1 has criminal antecedents. Gifts were a part of the family arrangement in which her client had also conveyed immovable property and cash to the petitioners.

4. We have considered the materials on record including the statements of the de-facto complainant and other witnesses. Petitioners are the great grandparents-in-law of the victim. Petitioner no.1 gifted properties to the de-facto complainant and her son. Subsequently the relationship soured and a civil suit is pending between the parties. Statements of witnesses must be appreciated in the backdrop of prior enmity. Possibility of false implication and/or exaggeration cannot be ruled out. Reference to cases registered against petitioner no.1 is alien to the facts of the case. Under such circumstances, we are of the opinion though custodial interrogation of the petitioners who are aged persons is not necessary, they require to cooperate with investigation in accordance with law.

5. Accordingly, we direct in the event of arrest, the petitioners may 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 subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner no.1 shall meet the Investigating Officer once in a week until further orders. Petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)