

24.01.2025

Ct. No. 1

Sl. No.20

akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 982 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 11.11.2024 in connection with Sahebganj Police Station Case No. 578 of 2024 dated 29.09.2024 under Sections 75/329(4)/126(2)/64/62/117(2)/115(2)/74/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.680 of 2024)

And

In Re: **Dhajendranath Modak @ Dhajen Modak & Anr.**
... .. Petitioners

Mr. Sudip Guha
... .. for the petitioners

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil
... .. for the State

1. It is submitted on behalf of the petitioners there is delay in lodging FIR. It is further submitted petitioners have been falsely implicated. Accordingly, they pray for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits victim is a disabled person.
3. In spite of notice, nobody appears for the victim.
4. We have considered the materials on record. In her statement, victim's mother stated petitioners had entered the room and molested her daughter. However, there is twelve days delay in lodging FIR. It is contended there was prior enmity between parties. Balancing the possibility of false implication against threat perception of similar occurrence, we are of the opinion though custodial interrogation of the petitioners is not necessary, their movement requires to be restricted.

5. Accordingly, we direct in the event of arrest, the petitioners, namely **(1) Dhajendranath Modak @ Dhajen Modak & (2) Ajahar Ali Sekh**, 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 the petitioners, while on bail, shall not enter the jurisdiction of Sahebganj Police Station and shall provide the address where they shall presently reside to the Investigating Agency as well as the jurisdictional court and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction they shall presently reside once in a week until further orders. They 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.)