

19.01.2021
Item No.215
Ct.No.28
s.d.
Allowed

C.R.M. 237 of 2021
(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In the matter of : Golam Hosen @ Sk. golam Hossain & anr. ...
Petitioners.

Mr. Suman Chakraborty
... For the Petitioners.

Mr. Saibal Bapuli
Mr. Soumik Ganguli
... For the State.

Apprehending arrest in connection with Arambagh Police Station Case No. 370 of 2020 dated 12-10-2020 under Sections 363/365/120B of the Indian Penal Code with added Sections 366/376(2)(n) IPC and Sections 4/6 of Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition Child Marriage Act(G. R. Case No. 1014 of 2020), the present application for anticipatory bail has been filed.

Learned advocate appearing for the petitioners submits that the petitioner no.1 is the father and the petitioner no.2 is the married sister-in-law of the accused

who has been principally alleged to have committed the offence.

Learned advocate for the petitioners additionally submits that the principal accused has already been taken into custody and as such, the petitioners' detention are unwarranted for the sake of investigation.

Mr. Bapuli, learned advocate for the State opposes the prayer for anticipatory bail of the petitioners and draws the attention of this court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and submits that the victim has exonerated the present petitioners from the core allegations.

Having considered the materials available in the case diary as well as the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we are of the opinion that custodial detention of the petitioners may not be warranted in the facts and circumstances of the present case and as such the prayer for anticipatory of the present petitioners is allowed.

Accordingly, we allow the application for anticipatory bail and 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, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioners shall make themselves available regularly before the learned trial court. In the alternative, the learned trial court will be at liberty to cancel their bail without further reference to this Court.

The application for anticipatory bail, being CRM 237 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)