

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL APPELLATE JURISDICTION**

02.12.2021
Sl. No. 20
k.b. /b.r.
Crt.1
rejected

**CRM 1100 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pundibari Police Station Case No. 253 of 2021 dated 12.06.2021 for the alleged offences punishable under Sections 498A/304B of the Indian Penal Code, 1860 and Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006, corresponding G.R. Case No.925 of 2021.

And

In the matter of: **Laili Khatun @ Laili Bibi @ Laily Bibi & Ors.**

....Petitioners.

Mr. Hillol Saha Poddar

...For the Petitioners.

Mr. Saikat Chatterjee
Mr. Biswarup Roy

.....For the State.

That the petitioners are in-laws of the deceased as submitted by the learned advocate appearing for the petitioner and accordingly they are innocent of the charges and have been falsely implicated in the instant case.

Learned advocate for the State produces the case diary and draws the attention of this Court to the statement of the neighbours as well as the statement of the mother of the victim/deceased.

On perusal of the materials available before us we find that apart from the regular allegations of further demand of dowry the case is also under Section 9/10/11 of the Prohibition of Child Marriage Act, 2006.

Having regard to the nature of allegation, we are of the view that this is not a fit case for extending the benefit of anticipatory bail.

Accordingly, prayer for anticipatory bail being CRM 1100 of 2021 is dismissed.

However, as chargesheet has already been submitted, if the petitioners surrenders before the Learned Sessions Judge, Cooch Behar within a period of two weeks, the Learned Sessions Judge would consider whether the custodial detention of the petitioner would be required for the purposes of the present case.

With the aforesaid observations, the application for anticipatory bail being CRM 1100 of 2021 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Courts.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)