

05.09.2022
Serial no.25
Aloke

CRM (A) 4201 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Keshpur Police Station Case No. 164 of 2022 dated 16.07.2022 under Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006.

-And-

In the matter of : **Milan Das & Anr.**

... .. Petitioners

Mr. S. Sarkar, Advocate

... .. For the Petitioners

Mr. Abhra Mukherjee, Advocate

Ms. Manisha Sharma, Advocate

... ..For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the victim was claimed to be an adult at the time of her marriage with the first petitioner. The father of victim was arrested and was released on bail by the jurisdictional Court.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the materials in the case dairy.

The father of the victim was enlarged on bail by the jurisdictional Court. In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim claims that her father gave her into marriage.

Considering the fact that the father of the victim was enlarged on bail by the jurisdictional Court and considering the claim of the petitioners that they laboured under the impression that the victim was adult, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we 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, to the satisfaction of the arresting officer and

also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall meet the Investigating Officer as when called for till the conclusion of the investigation and on further condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 4201 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)