

25.01.2023
Sl. No.30
akd
[ALLOWED]

C. R. M. (DB) 292 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.01.2023 in connection with Ranaghat Women Police Station Case No.124 of 2022 dated 17.09.2022 under Sections 498A/302/34 of the Indian Penal Code read with Sections 9/11 of the Prohibition of Child Marriage Act, 2006 and Section 6 of the POCSO Act.

And

In Re: ***Papiya Raha @ Papiya Joardar Raha & Anr.***

... .. Petitioners

Mr. Shibaji Kumar Das
Ms. Rupsa Sreemani

... .. for the petitioners

Ms. Deblina Lahiri
Mr. Mrinmoy Chatterjee

... .. for the de-facto complainant

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Mr. Parthapratim Das
Mrs. Manasi Roy

... .. for the State

Petitioners are the married sisters-in-law of the victim-housewife. It is submitted on behalf of the petitioners that they do not ordinarily reside at the matrimonial home. They were not present on the date of occurrence. Charge-sheet has been filed against them alleging commission of offence punishable under Section 498A IPC and Section 11 of the Prohibition of Child Marriage Act.

Learned Advocate for the de-facto complainant opposes the prayer for bail and submits victim was a minor at the time of marriage. She was subjected to torture and poison was administered. Petitioners stay in the same locality and regularly visit the matrimonial home of the victim.

Learned Additional Public Prosecutor also opposes the prayer for bail.

We have considered the materials on record. Though statements of witnesses allege torture by the petitioners i.e. sisters-in-law of the victim-housewife, there is no material to show they were present on the date of occurrence. Incident occurred four years after marriage. Petitioners ordinarily reside at their own matrimonial homes. There is no chance of their abscondence. Keeping in mind the aforesaid facts and the extent of complicity of the petitioners in the alleged crime, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely **(1) Papiya Raha @ Papiya Joardar Raha & (2) Soniya @ Sonia Mandal**, 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 learned Judge, Special Court under the POCSO Act-cum-Additional District & Sessions Judge, Ranaghat, Nadia subject to condition that the said petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)