

17.03.2023

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Ct. No. 29
CHC
Allowed

C.R.M.(A) 1067 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ranaghat Women** Police Station Case No. **124** of **2022** dated **17.09.2022** under Section **498A** of the Indian Penal Code, 1860 read with Section 11 of the Prohibition of Child Marriage Act, 2006.

And
In the matter of : Naresh Joardar @ Joarder
..... petitioner

Mr. Shibaji Kumar Das
....for the petitioner
Smt. Sreeparna Das
....for the State

Affidavit-of-service so far as de facto complainant is concerned be taken on record.

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that petitioner is the father-in-law. He is a resident of Madhyapradesh. Police filed chargesheet not implicating the petitioner under Section 302 of the Indian Penal Code, 1860 or under Section 6 of the POCSO Act. Petitioner was however, chargesheeted under Section 498A of the Indian Penal Code and Section 11 of the Prohibition of Child Marriage Act, 2006.

Learned advocate appearing for the State submits that there is statement recorded under Section 164 of the Criminal Procedure Code stating that the petitioner made the phone call

as to the incident. According to her, the petitioner was had the place of occurrence at the relevant point of time.

Apparently, to married sisters-in-law were granted bail by the coordinate Bench on January 25, 2023 passed in CRM (DB) 292 of 2023. Police filed chargesheet against the petitioner *inter alia*, under Section 498A of the Indian Penal Code and Section 11 of the Prohibition of Child Marriage Act, 2006.

Considering the materials in the case diary, the factum of filing chargesheet as noted above and the complicity of the petitioner in the incident, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 further condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)