

19.04.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 1655 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chandrakona** Police Station Case No. **184** of **2022** dated **17.05.2022** under Sections **363/365/34** of the Indian Penal Code, Section **376(2)(N)** of the Indian Penal Code, Section **9** of the Prevention of Child Marriage Act and Section **6** of POCSO Act.

And

In the matter of: Biswajit Mondal & anr.

..... petitioners

Mr. Ziaul Haque,

Mr. Kartik Das,

Mr. Sudip Kushari

....for the petitioners

Ms. Sreeparna Das

....for the State

Leave granted to learned advocate-on-record of the petitioners to correct the cause-title.

The first petitioner before us is the husband of the victim.

The second petitioner is the mother-in-law of the victim.

Apparently, the victim was given in marriage when she was a minor.

She gave birth to a child.

The present police case also involves provisions of the Prevention of Child Marriage Act.

The age of the first petitioner is claimed to be around 23 years.

In such circumstances, custodial interrogation of the petitioners may disrupt two families as also may be inimical to the mental health of the petitioner.

In such circumstances, we deem it appropriate to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners will be released on bail upon furnishing a bond of Rs.10,000/- 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 petitioner no.1, namely, Biswajit Mondal will report before the Investigating Officer once in a month till the conclusion of investigation and petitioner no.2, namely, Rina Mondal will cooperate with the Investigating Officer 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 accuseds 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)