

01.05.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1833 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **97** of **2023** dated **10.02.2023** under Sections 363/365/34 of the Indian Penal Code, 1860 with adding Section 366A/506 of the Indian Penal Code read with Section 6 of the POCSO Act along with Sections 9/10 of the Prohibition of Child Marriage Act.

And

In Re : Sahanaj @ Sahana Bibi & Ors.

..... petitioners

Mr. Kazi M Rahaman

....for the petitioners

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

....for the State

Police filed charge-sheet.

Principal accused was enlarged on bail by the Coordinate Bench on March 31, 2023 passed in CRM (DB) 1268 of 2023.

The petitioners before us are the parents and the unmarried sister of the principal accused.

The Coordinate Bench took into account the period of detention of the principal accused and, more importantly, the matrimony between the victim and the principal accused. The Coordinate Bench also took into consideration the age of the victim.

In such circumstances, on the parity of the same reasoning as that the Coordinate Bench granting bail to the

principal accused on March 31, 2023, we 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/- 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)