

12.06.2023

Sl. 78

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2115 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with C. Special Case No. **13/2023 (POCSO No. 13/2023)** arising out of **Ranitala** Police Station Case No. **54/2023** dated **10.02.2023** under Sections **363/365/34** of the Indian Penal Code and adding Section **6** of the POCSO Act.

And

In the matter of: **Sujauddin Sk. & Anr.**

....petitioners.

Mr. Tapodip Gupta

...for the petitioners.

Mr. Tanmoy Kr. Ghosh

Ms. Sonali Bhar

...for the State.

Mr. Ali Ahsan Alamgir

Ms. Soma Mal

Ms. Rabia Khatoon

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The petitioners are the parents of the principal accused against whom the I.O. did not feel it proper to file charge-sheet. However, learned Magistrate took cognizance under Section 191(b) Cr.P.C. against the present petitioners under Sections 363, 365, 34 IPC read with Sections 6/17 of POCSO Act on the ground that the girl was recovered from the house where the present petitioners were also residing. The aforesaid order by the Magistrate was passed on 06/01.04.2023. In the meantime charge-sheet is stated to have been filed.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation against them and non-requirement of custodial interrogation in view of filing of charge-sheet, it is directed that the each of

the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad within 15 days from today in connection with C. Special Case No. 13 of 2023 (POCSO No. 13 of 2023) arising out of Ranitala P.S. case No. 54 of 2023 dated 10.02.2023. On their appearance and application for bail each of the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

4. Within three weeks of the receipt of server copy or certified copy of this order, the petitioners are directed to appear before the I.O. along with a copy of such order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2115 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

