

07.08.2023

ML. 39

Court No. 29

Sourav

(Rejected)

C.R.M. (A) 2786 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mothabari** Police Station Case No. **72** of **2018** dated **05.03.2018** under Sections **306** IPC.

And

In the matter of: **Payel Sarkar**

....petitioner.

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP

Mr. Partha Pratim Das

Ms. Eshita Dutta

... for the State.

1. Heard learned Counsel for the parties.
2. In view of the issuance of proclamation before the date of filing of present application for anticipatory bail, this petition for anticipatory bail is not maintainable in view of dictum of Hon'ble Supreme Court.
3. However, the petitioner being a girl of tender age, she is directed to appear before Chief Judicial Magistrate, Malda in G.R. Case arising out of aforesaid P.S. Case within 15 days from today. The petitioner or her Counsel is directed to give advance notice of at least 3 days to learned Public Prosecutor attached to this Court.
4. On the date of appearance, if any application for bail is filed by the petitioner, the same shall be disposed of on the same day taking into consideration the fact that the present petitioner is a girl of tender age.

5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 2786 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

