

31.07.2023.
19.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2979 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Women P. S. Case No.40 of 2023 dated 04.04.2023 under Sections 363/366/376/506/34 of the Indian Penal Code and Sections 6/17 of the POCSO Act and Section 9/11 of the Prohibition of Child Marriage Act.

In the matter of : Asit Mondal & Anr.

.... Petitioners.

Ms. Sananda Bhattacharyya.

...for the Petitioners.

Mr. Swapan Banerjee,

Mr. Anindya Sundar Chatterjee.

...for the State.

It is contended petitioners are the in-laws of the minor victim. It is stated she had earlier lodged a case of cruelty against her husband the petitioners. There was no allegation of rape. Subsequently, the present case has been registered. They pray for bail.

Learned Advocate for the State opposes the bail prayer. He submits victim was forcefully married to the principal accused. Petitioners being the in-laws of the principal accused aided and abetted him.

Inspite of service of notice, nobody appears for the victim.

We have considered the materials on record. Victim is aged below 18 years. However, a marriage was solemnised between the victim and the principal accused. Whether the marriage had been forcefully solemnised or not may be thrashed out during trial. However, it is relevant to note a prior

criminal case was registered alleging cruelty wherein there is no whisper of rape. Subsequently, the present case alleging the graver offence of rape has been registered. Petitioners are not the principal accused.

Under such circumstances, we are of the opinion further detention of the petitioners is not necessary and they may be enlarged on bail.

Accordingly, the petitioners viz., Asit Mondal and Mina Mondal shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, Special Court under the POCSO Act, Ranaghat, Nadia subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

