

31.08.2023
D/L 31
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3557 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kultali P. S. Case No.242 of 2023 dated 18.04.2023 under Sections 363/365/366/506/34 of the Indian Penal Code and Section 12 of the POCSO Act and Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006.

In the matter of : Brinda Gharami
@ Brindaban Gharami

... Petitioner

Ms. Minoti Gomes,
Mr. Dilip Shyamal

... for the petitioner

Mr. Abhra Mukherjee,
Mr. Goutam Banerjee

... for the State

1. Heard learned Counsel for the parties.
2. The victim, who is stated to be a minor, out of her own volition left her house and went to Ballygunge Station and later on she married the present petitioner.
3. We do not find any element of offence under Section 12 of the POCSO Act in the statement of the victim recorded under Section 164 Cr.P.C.
4. The petitioner is stated to be the husband of the victim.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail by

the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition:

- i) The petitioner is directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
8. The applications being CRM(A) 3557 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)