

14.09.2023
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as
[ALLOWED]

C. R. M. (A) 3983 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Murshidabad Police Station Case No. 379 of 2023 dated 29.05.2023 under Sections 363/365/34 of the Indian Penal Code and adding Section 376(2)(1) of the Indian Penal Code and Section 4 of the POCSO Act and Section 9 of the Prohibition of Child Marriage Act and charge sheet submitted under Sections 363/365/120B/376(2)(1) of the Indian Penal Code read with Sections 4/6/17 of the POCSO Act and Sections 9/10 of the Prohibition of Child Marriage Act.

In Re: ***Durga Karmakar & Ors.***

... ... Petitioners

Mr. Ranadeb Sengupta,
Mr. Sachit Talukdar,
Mr. Tirtharaj Ghoshal.

... ... for the petitioners

Mr. Partha Pratim Das,
Ms. Eshita Dutta.

... ... for the State

1. Affidavit of service is placed on record. Nobody appears for the victim.
2. Learned Advocate contends petitioners are not the principal accused. Principal accused is on regular bail. They pray for anticipatory bail.
3. Learned Advocate for the State produces the Case Diary.
4. We have considered the materials on record. Petitioner Nos.1 and 2 are the relations and petitioner No.3 is the friend of the principal accused. The said principal accused is on bail. There was a romantic relationship between the principal accused and the victim.

5. Keeping in mind the aforesaid facts and extent of complicity of the petitioners in the crime, we are inclined to grant anticipatory bail to them.

5. Accordingly, we direct that in the event of arrest, the petitioners viz., 1) ***Durga Karmakar***, 2) ***Rinku Karmakar and*** 3) ***Sujan @ Purnendu Halder*** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and they shall appear before the court below and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)