

11.12.2023

SL. 20

Court No. 29

Suvayan

(Partly Allowed)

C.R.M. (A) 4136 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Tehatta** Police Station Case No. **688 of 2023** dated **29.08.2023** under Sections **342/498(A)/506/328/307/376/34** of the IPC and Section **4** of POCSO Act and Sections **9/10** of the Prohibition of Child Marriage Act.

And

In the matter of: **Ritwik Biswas @ Hrithik Biswas & Ors.**

....petitioners.

Mr. Ashok Das
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Hasi Jana

...for the petitioners.

Mr. Tanmoy Kr. Ghosh
Ms. Pritha Paul

...for the State.

1. Heard learned Advocate for both the parties.
2. On perusal of the entire materials of the C.D. including the statement of the victim as recorded under Section 164 Cr.P.C., we find that it is the version of the victim girl that on the fateful day she was made unconscious by the petitioner No. 1 and thereafter the petitioner No. 1 established physical relationship with her taking advantage of her unconscious stage at his house where he had taken the minor fraudulently. It is the further version of the victim girl that thereafter on 08.06.2023 her marriage with the petitioner No. 1 took place under a compelling circumstances and duress.
3. Admittedly there are some incriminating materials as against the petitioner Nos. 2 and 3 who are the parents of the petitioner No. 1 but those are basically restricted with regard to the facts and circumstances involving Sections 9/10 of the Prohibition of Child Marriage Act.
4. Regard being had to the facts and submissions as discussed

(Supra), we are inclined to allow the prayer for anticipatory bail of the petitioner No. 2(Ratan Biswas) and the petitioner No. 3 (Maya Rani Biswas).

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner No. 2(Ratan Biswas) and the petitioner No. 3 (Maya Rani Biswas), nature of allegation, nature of evidence and substantial progress in investigation, it is directed that the petitioner No. 2(Ratan Biswas) and the petitioner No. 3 (Maya Rani Biswas) shall be released on bail by the Arresting Officer in the event of their 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 conditions that:

- (i) The petitioner Nos. 2 and 3 are directed to appear before the I.O. as when called for on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
- (ii) The petitioner Nos. 2 and 3 shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today the petitioner Nos. 2 and 3 shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.

8. However, considering the seriousness of the crime and the nature of evidence as available in the C.D. prayer for anticipatory bail of the petitioner No. 1 (Ritwik Biswas @ Hrithik Biswas) stands hereby rejected.
9. The report submitted by the I.O. in Court today be taken on record.
10. Accordingly, the prayer for the anticipatory bail is partly allowed.
11. The application being **CRM (A) 4136 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

