

05.12.2023
ML. 40
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 4541 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Canning** Police Station Case No. **118** dated **02.03.2023** under Sections **498A/306/304B/120B/34/376(2)(n)** of the IPC and Sections **6/17** of the POCSO Act and Section **9** of the Prohibition of Child Marriage Act, 2006 corresponding to B.G.R. Case No. **919 of 2023 (Special Case No. 157 of 2023)**.

And

In the matter of: **Sri Raja Sardar**

....petitioner.

Mr. Suranjan Mandal
Mr. Sandip Ganguly
Mr. Dinesh Mondal

...for the petitioner.

Mr. Avishek Sinha

...for the State.

1. Heard learned Counsel for both the parties.
2. The present petitioner is the husband of the deceased who is alleged to be minor at the time of marriage. It is an admitted fact that marriage was solemnized by consent of the guardians of the bride and groom and it is submitted by learned Counsel for the petitioner that at the time of marriage the deceased was major.
3. We do not want to go deep into this aspect in view of the fact that in the suicide note alleged to have been seized at the time of investigation the deceased has completely exonerated the present petitioner. The effect of that note is to be gone into at the time of trial.
4. Investigation has progressed substantially.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence 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 conditions that:

- i) The petitioner is directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
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 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. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 4541 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

