

5.12.2023  
(M/L 44)  
Ct. No.29  
(Allowed)  
(SKB)

**CRM (A) 4580 of 2023**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nowda P. S. Case No.122 of 2023 dated 12.04.2023 under Sections 363/365/376(3)/34 of the Indian Penal Code read with Section 6 of the POCSO Act (C. Spl. Case No.43 of 2023).

In the matter of : Vasarul Malithya  
@ Vasarul Malitya and another  
... Petitioners

Mr. Nabanil De,  
Ms. Monami Mukherjee  
... for the petitioners

Mr. Abhra Mukherjee,  
Mr. Dipankar Mahata  
... for the State

Mr. Amit Ranjan Pati  
... for the victim

1. Heard learned counsel for the parties.
2. Rahul Malitya, the principal accused is stated to have been released by regular bail vide order dated 18<sup>th</sup> July, 2023 passed in CRM(DB) 2624 of 2023. The present petitioners are the elder brother and cousin brother of the said principal accused.
3. It is fairly submitted at the Bar that as there was love affairs between the victim and the aforesaid Rahul Malitya, they eloped and the present petitioners have no role in the said transaction.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that each the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the C. Spl Case No.43 of 2023 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
7. The application being CRM(A) 4580 of 2023 is disposed of.
8. 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.)**