

19.12.2023
ML. 77
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 4731 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. **428** of **2023** dated **13.06.2023** under Sections **328/307/302/376(3)/120B** IPC read with Section **6** of the POCSO Act (corresponding to C. Special Case No. 38 of 2023).

And

In the matter of: **Soma Halder & Ors.**

....petitioners.

Ms. Minoti Gomes
Ms. Chandreyi Dutta

...for the petitioners.

Mr. Rudradipta Nandy, Ld. APP
Mr. Iqbal Kabir
Ms. Sonali Das

... for the State.

1. Heard learned Counsel for the parties.
2. There was a romantic relationship between the deceased and one Rahul Halдар @ Pappu (arrested and in-custody). The relationship was going steady but the family members as alleged objected to marriage of the two. Then both of them decided to end their life. In that bid, both consumed poison. The girl died and the boy survived as submitted by the learned Counsel for the petitioner.
3. Mr. Nandy, learned Additional Public Prosecutor, however, submits that the girl, however, took poison but the boy did not take any poison. In the two dying declarations made by the deceased, there is allegation against Rahul Halдар @ Pappu, but there is no such allegation against the present petitioners who are mother, maternal uncle and cousin (brother) of Rahul Halдар @ Pappu.
4. Mr. Nandy, learned APP fairly submits that they have been charged by aid of Section 120B IPC.

5. Charge-sheet is stated to have been filed in the meantime.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Judge, Special Court (under POCSO Act), Lalbagh, Murshidabad in C. Special Case No. 38 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On their appearance and application for bail, they shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that petitioners shall appear before the learned Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C. with a further condition, the present petitioners shall not leave the territorial jurisdiction of the learned trial Court without obtaining prior permission of the learned trial Court during investigation.
7. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 4731 of 2023** is disposed of.
9. Learned Judge, Special Court (under POCSO Act), Lalbagh, Murshidabad is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Ajay Kumar Gupta, J.)

