

09.06.2023
SL No.51
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 307 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Mathabhanga Police Station Case No.122 of 2023, dated 07.03.2023 corresponding to G.R. Case No.18/2023 under Section 4/17 of the POCSO Act and under Section 9/10 of the Prohibition of Marriage Act.

And

In the matter of : **Fajlu Mia @ Phajarul Miya & Ors.**

- Petitioners.

Mr. Swarup Kr Mandal,
Mr. Satyaki Basu,
Mr. Rajashree Das

... For the Petitioner.

Mr. Ujjwal Luksom,
Mr. Chattu Roy

... For the State.

The learned Counsel for the petitioners submits that the petitioner No.1 has been granted regular bail by the Trial Court and he is not pressing the said application for the petitioner No.1.

In view of the statement of the victim recorded under Section 164 of the Cr.P.C. it would be clear that the other petitioners have no involvement in the commission of the alleged offence.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Considering the materials available in the case diary and more particularly the statement of the victim recorded under Section 164 of the Cr.P.C. implicating petitioners, we are of the

view that the custodial interrogation of the petitioners are not necessary.

Accordingly, we direct that in the event of arrest, the accused/petitioners Nos.2, 3 and 4 be released on bail upon furnishing a bond of Rs.5,000/- 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 on further condition that the petitioner No.3 shall meet the Investigating Officer once in a week until further orders and shall appear before the court below and pray for regular bail within four weeks from date and shall not leave the jurisdiction of the jurisdictional Court without express leave of the Court.

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)