

15.6.2023

Sl. No.34

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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (A) 370 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No. 09 of 2023 dated 05.01.2023 under Sections 498A/307 of the Indian Penal Code, 1860 read with Section 3/4 of the Prohibition of Child Marriage Act, 2006

And

In Re: **Chiranjit Roy**

... .. Petitioner

Mr. Hillol Saha Podder

Ms. Mousumi Das

... .. for the petitioner

Mr. Abhijit Sarkar

Ms. Sukanya Adhikary

... .. for the State

1. Heard the learned Advocates appearing for the parties.
2. Learned counsel appearing for the petitioner submits that the petitioner is innocent and the victim has already married.
3. Learned counsel appearing for the State opposes the prayer for anticipatory bail.
4. Having considered the materials available in the case diary, the nature of injury alleged to have been suffered by the victim, the nature of complicity of the petitioner in the commission of alleged offence and the charge-sheet has already been filed, we are of the view that the custodial

interrogation of the accused/petitioner may not be necessary and he may be granted anticipatory bail.

5. Accordingly, we direct that in the event of arrest, the accused/petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount, one of whom must be local, 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 shall co-operate with the investigation and on further condition that the petitioner shall not leave the jurisdiction without the permission of the jurisdictional court and shall surrender before the court below within four weeks from date and pray for regular bail.

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

7. 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.)