

8.09.2023
Item no.4
Court No.01
P.P./S.D.

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE JURISDICTION**

CRM (A) 714 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In the matter of: Purna Adhikary & Ors.

.... Petitioners

Mr. Sandip Mandal

Mr. Suraj Rajak

....for the petitioners

Mr. Ujjwal Luksom

Ms. Namrata Das

..... for the State

Apprehending arrest in connection with Haldibari Police Station Case No.51 of 2023 dated 18.03.2023 under Sections 498A of the Indian Penal Code read with Section 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 & 10 of the Prohibition of Child Marriage Act, 2006, the present application has been preferred.

Mr. Mandal, learned advocate appearing for the petitioners submits that the petitioners are in-laws and distant relatives. The principal accused is one Tapan Adhikary and he is in custody. The ingredients of Sections 6 and 17 of the POCSO Act are not attracted against the petitioners and upon completion of investigation, chargesheet has also been submitted and in view thereof, custodial interrogation of the petitioners may not be necessary.

Mr. Luksom, learned advocate appearing on behalf of the State opposes the petitioners' prayer and draws our attention to the statement of the victim girl, as recorded under Section 164 of the Cr.P.C. and the contents of the FIR.

Heard the learned advocates appearing for the respective parties and considered the materials on record. *Prima facie*, no specific overt act has been attributed to the petitioners and the ingredients of Sections 6 and 17 of the POCSO Act are also not attracted against them.

Bearing in mind the nature of accusations in the light of the arguments as advanced and taking note of the fact that upon completion of investigation, charge sheet has also been submitted, we are of the opinion that custodial interrogation of the petitioners may not be necessary. In view thereof, the petitioners' prayer for anticipatory bail is allowed.

We direct that in the event of arrest, the petitioners namely, **Sri Purna Adhikary, Smt. Sonali Adhikary @ Sonli Adhikary, Shri Sitanath Adhikary @ Sita Adhikary, Sri Sanjoy Adhikary @ Sanjib Adhikari, Sri Swapan Adhikary, Sri Paban Adhikary and Sri Gobinda Adhikary @ Sujay Adhikary** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973

with further condition that the petitioners shall attend the learned Court below on all the dates fixed for hearing

It is further directed that the petitioners shall not tamper with the evidence or intimidate the witnesses.

The application for anticipatory bail CRM (A) 714 of 2023 is disposed of.

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)