

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

14.12.2023.
14/tkm

C.R.M. (A) 943 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Boxirhat P.S case no. 345 of 2023 dated 23.8.2023 under section 6 of the POCSO Act read with sections 417/109/120B IPC

And

Allowed

In Re : Ratneshwar Barman & Anr.petitioners

Mr. S Guho

...for the Petitioners

Mr. A S Chakraborty, Id APP
Mr. Kallol Nag

...for the State

Mr. Sourav Ganguly

...for the victim girl

1. Petitioners submit they are the parents of the principal accused. It is contended that the principal accused and the victim had married through social custom. They have been falsely implicated. They pray for anticipatory bail.

2. Learned lawyer for the State opposes the prayer for anticipatory bail.

3. Learned lawyer for the de facto complainant submits on the ruse of a false marriage principal accused had cohabited with the victim. Petitioners ill-treated the victim and attempted to abort her pregnancy.

4. We have considered the material on record. Petitioners are not the principal accused. It appears that there was cohabitation pursuant to a social marriage.

Allegation of attempt to abort is not supported by medical records which show that the child was born.

5. In view of the aforesaid circumstances and the extent of complicity of the petitioners in the crime, we are inclined to grant anticipatory bail to the petitioners.

6. Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- 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.

7. Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

8. The application being CRM (A) 943 of 2023 is disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)