

28.03.2024

Item No.21

Ct. No. 29

CHC

Allowed

C.R.M.(A) 902 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **1248** of **2023** dated **08.12.2023** under Sections **363/365/34** of the Indian Penal Code, **pending before the Learned Additional Chief Judicial Magistrate, Chanchal, Malda.**

And

In the matter of : Shyam Mandal

..... petitioner

Mr. Musharraf Alam Sk.

Mr. Sujoy Sarkar,

Ms. Susmita Ghorai

....for the petitioner

Mr. Madhusudan Sur, Ld. A.P.P.

Mr. Subrata Roy

....for the State

Petitioner prays for anticipatory bail.

Petitioner before us is the father of the principal accused.

Victim was rescued and she recorded her statement under Section 164 of the Criminal Procedure Code where she stated she went away voluntary with the principal accused and married him.

Considering such statement of the victim and the materials in the Case Diary and the fact that, the petitioner before us is not named in the statement of the victim, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of

like amount each, to the satisfaction of the arresting officer and also be 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 will report before the Investigating Officer once in a week till the conclusion of investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 902 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)