

13.03.2024
Item No.22
Ct. No. 29
CHC
Allowed

C.R.M.(A) 896 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Narayangarh** Police Station Case No. **215/2022** dated **02.09.2022** under Sections **363/365/506/34** of the Indian Penal Code and added Section **376(2)** of the Indian Penal Code, Section **6** of the POCSO Act and Section **9** of the Prohibition of Child Marriage Act.

And

In the matter of : Keshab Pandit & anr.

..... petitioners

Mr. Shahan Shah,
Mr. Aninda Bhattacharya
....for the petitioners

Mr. Saibal Bapuli, Ld. A.P.P.
Ms. Debjani Dasgupta
....for the State

Petitioners pray for anticipatory bail.

Petitioners before us are the husband and the father-in-law of the victim.

Victim recorded her statement under Section 164 of the Criminal Procedure Code stating that, she married petitioner no.2 voluntarily.

Apparently, there is a child born out of the wedlock.

Petitioner no.2 claims to be 21 years of age.

Victim presently is an adult.

Putting the petitioners into custody at this stage is likely disrupt the family of the victim as also will deprive the child of her father and grand-father.

Apparently, the need is more of counselling rather than custodial interrogation of the petitioners.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, 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 petitioners will report before the Investigating Officer once in a fortnight till the conclusion of investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 896 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)