

15.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 1176 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Domjur Police Station Case No. 905 of 2023 dated 25.12.2023 under Section 306 of the Indian Penal Code and adding Section 6 of the POCSO Act pending before the learned Judge Special (POCSO) Court, Howrah.

And

In Re : Md. Ali Dewan petitioner

Mr. Asraf Ali
Mr. R.I. Sardar

.....for the petitioner

Mr. Antarikhya Basu
Mr. Rahul Ganguly

....for the State

1. Petitioner is the father of the principal accused. He contends he is no way connected with the alleged incident. Principal accused is in custody. He has been falsely implicated. He prays for anticipatory bail.
2. Learned Lawyer for the State opposes the prayer for anticipatory bail.
3. Learned Lawyer for the de facto complainant submits petitioner as father of the principal accused assured that the latter would marry the victim. But marriage did not fructify and victim committed suicide.
4. We have considered the materials on record. In the FIR, it is alleged principal accused and the victim were found in a compromising position. Thereafter petitioner and others had agreed in the *salish* that the principal accused would marry the victim. However, the principal

accused developed a relationship with another girl and did not marry the victim. It is also alleged that the petitioners and others had abused the victim.

5. In light of the aforesaid facts, it is unclear whether at the time of salish petitioner had no intention to arrange for the marriage of his son and the victim. On the other hand, his son subsequently developed interest in another girl which resulted in breach of undertaking.
6. Keeping in mind the extent of complicity of the petitioner in the crime, we are inclined to grant anticipatory bail to him.
7. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 condition he shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.
8. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)