

09.05.2024

17

Ct. No. 29

S.D.

Allowed

C.R.M.(A) 1633 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **25** of **2024** dated **08.01.2024** under Sections **363/365/34** of the Indian Penal Code, 1860 and adding Section **6** of the POCSO Act pending before the Court of learned Additional District & Sessions Judge, 2nd Court, (Ld. Judge, Special Court) Malda.

And

In Re : **Tahir Sk @ Tahir Ali & Ors.**

..... petitioners

Mr. Santanu Deb Roy

...for the petitioners

Mr. Arnab Chatterjee

Mr. Kaustav Banerjee

...for the State

Affidavit of service filed in Court be taken on record.

None appears for the defacto complainant despite service.

Minor recorded a statement under Section 164 of the Cr.P.C. where she acknowledges that she went with the principal accused voluntarily and married him.

Petitioner no. 1 is the neighbour of the principal accused while the petitioner nos. 2 and 3 are the parents of the principal accused.

Statement of the minor recorded under Section 164 of the Cr.P.C. does not implicate any of the petitioners before us.

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/- 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. The petitioner nos. 1 and 2 will report before the Investigating Officer once a week till the conclusion of the investigation and the petitioner no. 3 will cooperate with the investigation till the conclusion of the investigation. 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)