

24.05.2024
Item No.3
Ct. No. 3
CHC
Allowed

C.R.M.(A) 1785 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lalgarh** Police Station Case No. **07/2024** dated **18.01.2024** under Sections **363/366/376(2)(n)/34** of the Indian Penal Code and Sections **6/17** of the Protection of Children from Sexual Offences Act, 2012 read with Sections **9/10/11** of the Prohibition of Child Marriage Act, 2006 whereby charge sheet has been filed against the petitioners under Section 17 of the Protection of Children from Sexual Offences Act and Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006, pending before Learned Additional District & Sessions Judge, 2nd Court, Special Court under the POCSO Act.

And

In the matter of : Sanatan Mahata & anr.

..... petitioners

Mr. Soumyajit Das Mahapatra
....for the petitioners

Mr. Bitashok Banerjee,
Mrs. Paramita Sahu
....for the State

Affidavit-of-service filed in Court be taken on record.

None appears for the de facto complainant.

Petitioners pray for anticipatory bail.

The minor recorded her statement under Section 164 of the Criminal Procedure Code where, she says that she left her paternal home as she was being tortured there.

Petitioners before are the brother and mother of the principal accused. Principal accused is in custody.

Police filed charge-sheet.

Materials in the Case Diary do not suggest requirement of placing any of the petitioners in custody at this stage.

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 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) 1785 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)