

20.06.2024
Court No.29
Item No. 16

Allowed

sg

CRM (A) 1914 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 323 of 2024 dated 17.03.2024 under Sections 363/365 of the Indian Penal Code and Section 09/10/11 of the Prohibition of Child Marriage Act and Section 6 of the POSCO Act.

And

In Re: **Dudh Kumar Mistry & Anr.**

Petitioners

Mr. Birendra Kumar Jha
Mr. Anish Das

For the Petitioners

Mr. Madhusudan Sur
Mr. Santanu Talukdar

For the State

1. The consignment track record of Postal department along with dispatch slips are produced before us wherefrom it appears that the victim has been duly served on 28th May, 2024.
2. In spite of service, the victim is not represented.
3. The petitioners are the father and mother of Roni Mistry, the principal accused.
4. The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the instant case.
5. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the statement of the victim recorded under section 164 of

the Code of Criminal Procedure. However, it is submitted that Roni Mistry, the son of the present petitioners, is presently in custody.

6. Considering the materials available in the case diary, the statement of the victim recorded under Section 164 of the Code of Criminal Procedure directly implicating Roni Mistry, the nature of involvement of the present petitioners in the commission of the alleged offence and also having regard to the fact that charge sheet has already been filed, we are of the view that custodial interrogation of the present petitioners is not necessary.
7. Accordingly, we direct that in the event of arrest the petitioners namely, **Dudh Kumar Mistry and Shibani Mistry**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, to the satisfaction of arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioners shall appear before the learned Trial Court within two weeks from date and thereafter shall appear on each and every date, failing which, it would be open for the learned Trial Court to cancel the bail without any further reference to this Court.
8. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
9. CRM (A) 1914 of 2024 is, thus, disposed of.
10. An affidavit of service shall be filed in course of the day.
11. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)