

02.07.2024
SL No. 24
Court No.29
Sourav/
Suvayan
(Allowed)

CRM (A) 2025 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with **Salar** Police Station Case No. **51** of **2024** dated **09.02.2024** under Sections **306/34** of the Indian Penal Code.

And

In the matter of : **Ayer Ali Sk.**

...petitioner.

Ms. Minoti Gomes

....for the petitioner.

Mr. Avishek Sinha
Mr. Akash Ganguly

... for the State.

1. The learned Counsel for the petitioner submits that the petitioner is a co-villager and he was invited in the said marriage ceremony and he signed on the papers of the marriage documents as witness at the instance of the family members of Ajijul Hauqe and he is no way connected with the alleged offences.
2. The learned Counsel for the State in opposing the prayer has referred to the statement of the eyewitnesses recorded under Section 161 Cr.P.C. Learned Counsel for the State has fairly submitted that the charge against the petitioner is abating the child marriage and no ingredient of an offence under Section 306 IPC *per se*.
3. Considering the materials available in the case diary, the nature and involvement of the petitioner in the commission of alleged offence and also having regard to the fact that charge-

sheet has already been filed, we are inclined to grant anticipatory bail.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Ayer Ali Sk.** shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate, Kandi, Murshidabad in connection with Salar Police Station Case No. 51 of 2024 within two weeks from date and pray for regular bail.
5. It is further directed that the petitioner shall appear each and every date of hearing 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 petitioner in court including cancelling the anticipatory bail granted without further reference to this court.
6. Accordingly, the application for anticipatory bail being **CRM (A) 2025 of 2024** is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)