

12.08.2024
SL No.2
Court No.29
(gc)
(Allowed)

CRM (A) 2338 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the BNSS, 2023 filed in connection with Tamluk Police Station Case No.493 of 2024 dated 06.06.2024 under Sections 498A/417 of the Indian Penal Code.

And

In the matter of : **Snehasish Ganguly & Anr.**

- Petitioners.

Mr. Amal Krishna Samanta

....For the Petitioners.

Ms. Sibangi Chattopadhyay

....For the De facto Complainant.

Mr. Pravash Bhattacharyya,

Mr. Prakash Mishra

... For the State.

1. Pursuant to our direction, the petitioner no.2 has filed an affidavit. The petitioner no.2 is the mother of the petitioner no.1. In her affidavit, she has stated that the petitioner no.1 is aged about 24 years and service-holder. She has recently come to know that a marriage has been solemnized between her son and the de facto complainant without her consent, accord and approval. The couple may reside in a separate mess happily.
2. The learned Counsel for the de facto complainant has admitted that the de facto complainant has married the petitioner no.1 on 11th June, 2024.
3. The learned Counsel for the State has produced the certificate issued by the Office of the learned Registrar General of Marriages.
4. There is no doubt that when the victim got pregnant, she was few months' short of attaining the majority but having regard to

the subsequent events and changed circumstances and to save the relationship, we are of the view that custodial interrogation of the petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Snehasish Ganguly** and **Seuli Ganguly**, shall be released on bail upon furnishing a bond of Rs.3,000/- each, with two registered sureties of like amount each, 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 corresponding to Section 482 (2) of the BNSS, 2023 with further direction that the petitioner no.2 shall cooperate with the investigation and petitioner no.1 shall meet the Investigating Officer once in a fortnight till the submission of the final report.
6. Accordingly, the application for anticipatory bail is disposed of.
7. The relevant documents including the certificate of solemnization of marriage produced by the State are kept with record.
8. 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.)