

15.7.2024  
SL No.20  
Ct No. 29  
SB

CRM (A) 2369 of 2024

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Habibpur Police Station Case No. 279 of 2023 dated 15.8.2023 under Section 363 of IPC and adding Sections 365/376/120(B) of Indian Penal Code and Section 6 of POCSO Act, 2012 and Section 9 / 10 of Prohibition of Child Marriage Act.

And

Ratna Mondal Bala @ Ratna Bala  
Vs.  
The State of West Bengal

|                    |                         |
|--------------------|-------------------------|
| Mr. Mukunda Sarkar |                         |
| Mr. Soumik Ganguly | ... for the petitioner. |
| Mr. Madhusudan Sur | ... for the State       |

1. Petitioner is the aunt of the victim. It is submitted that Joy Hira the principal accused was granted bail by a co-ordinate Bench. The co-ordinate Bench had taken note of the fact that the statement of the minor recorded before the police and the learned Magistrate are contradictory. Joy Hira has already enlarged on bail.
2. Affidavit-of-service filed by the petitioner is taken on record.
3. Despite service none appears on behalf of the de facto complainant.
4. Under such circumstances, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner 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 learned Additional District Judge, 2<sup>nd</sup> Court at

Malda and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

6. It is further directed that the present petitioner shall appear before the learned Additional District Judge, 2<sup>nd</sup> Court at Malda within two weeks and pray for regular bail from date.
7. It is further directed that the petitioner 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 presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.
8. Accordingly, the application for anticipatory bail is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Uday Kumar, J.)

(Soumen Sen, J.)