

06.08.2024
Sl No.42
Court No.29
TN
(Allowed)

CRM (A) 2662 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Pukhuria Police Station Case No. 257 of 2024 dated 22.05.2024 under Sections 4/17 of the POCSO Act.

And

In the matter of : **Mohabul Hoque @ Mahabul Hoque and another**

.... petitioners

Mr. Sujoy Sarkar,
Mr. Musharaf Alam,
Mr. Rahul Chachan,
Ms. Sneha Srivastava

....for the petitioners

Ms. Anushika Bharati,
Mr. Rashed Rashid,
Mr. Sk. Mustafi Rahaman

.... for the *de facto* complainant

Mrs. Amita Gaur,
Mr. Dipankar Mahata

... for the State

1. The petitioners are the father and brother of the principal accused. It is submitted on behalf of the petitioners that the son of the petitioner no.1 and the daughter of the *de facto* complainant are willing to marry and both the families have agreed to the marriage.
2. The learned counsel for the *de facto* complainant has submitted that arrangements have been made for giving marriage to the daughter of the *de facto* complainant with the son of the petitioner no.1.
3. Considering the materials available in the case diary and the submissions made on behalf of the petitioners and the *de*

facto complainant and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and taking into consideration the subsequent facts as narrated above, we are inclined to grant anticipatory bail to the petitioners.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Mohabul Hoque @ Mahabul Hoque and Rinku Sk.** respectively 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.
5. It is further directed that the present accused petitioners shall appear before the learned Judge, Special Court under POCSO Act, Malda within two weeks from date and pray for regular bail.
6. Accordingly, the application for anticipatory bail 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.)