

13.09.2024
Court No.29
Item No. 10

Allowed
sg

CRM (A) 3052 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Kharagpur (Local) Police Station Case No. 395 of 2023 dated 16.04.2023 under Sections 9/10 & 11 of Prohibition of Child Marriage Act and adding Section 376(2)(n) & 376(3) of the IPC along with Sections 6 and 17 of POCSO Act, pending before the learned Additional District and Sessions Judge, 2nd Court, Paschim Medinipur (under POCSO Act).

And

In Re: **XXXX (Father-in-law) & Ors.**

Petitioners

Mr. Nonigopal Chakraborty

For the Petitioners

Mr. Antarikhya Basu

Mr. Akash Ganguly

For the State

1. We have the learned Counsel for the parties.
2. Considering the materials available in the case diary, the statement of the victim which appears to be exonerated and also considering the report filed by the I.O. wherefrom it appears that the victim was handed over to her parents with an assurance that she shall not be given marriage before 18 years of her age and having regard to the nature and extent of complicity of the petitioners in the commission of alleged offence, we are of the view that custodial interrogation of the present petitioners is not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioner **nos. 2 to 4**, shall be released on bail upon furnishing a bond of Rs.2,000/- 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 Bharatiya Nagarik Suraksha Sanhita and the **petitioner no. 5** 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 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner nos. 2 to 5 shall appear before the jurisdictional court within two weeks from date and thereafter shall appear on each and every date of hearing until further orders.

4. In the event the petitioner nos. 2 to 5 fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner nos.2 to 5 is allowed.
6. The report of the Investigating Officer filed in Court is taken on record.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Prasenjit Biswas, J.)