

30.09.2024

Court No.29

Item No. 16

Allowed

ar

CRM (A) 3403 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ranitala Police Station Case No. 549 of 2024 dated 09.08.2024 corresponding to C. Special Case No. 63 of 2024 under Sections 6 of the Protection of Children from Sexual Offences Act, 2012 read with Sections 9/10/11 of the Prohibition of Child Marriage Act, 2006.

And

In Re: **Sulekha Bibi & Ors.**

Petitioners

Mr. Ali Ahsan Alamgir

Ms. Soma Mal

Ms. Rabia Khatoon

Ms. J. Modak

For the Petitioners

Mr. Saryati Datta

Ms. Dattatreya Datta

For the State

1. The petitioner nos. 1 and 2 are the parents of the principal accused and the petitioner no.3 is the father of the victim. It is submitted that a false complaint has been lodged by an NGO against the present petitioners alleging that a child marriage has taken place in the village.
2. Ms. Arpita Rudra, a social worker of **Suprava Panchashila Mahila Uddyog Samity, email-spmusngo @ gmail. Com, Village-Mankara, P.O & P.S- Berhampore, Murshidabad**, appears on behalf of the victim and submits that there was an attempt of a child marriage which the victim has prevented and she has also specifically submitted that there is a resistance from the family of the victim to stop her higher studies.
3. Learned counsel for the State has produced the case diary and opposed the prayer for anticipatory bail.

4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners and having regard to the statement of the victim, which is exonerating the nature, 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, **Sulekha Bibi, Eshanabi Sk @ Ishanabi @ Isha Nabi and Halim Sk** shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023. The **petitioner nos. 2 and 3** shall meet the Investigating Officer once in a week till the submission of the final report and the **petitioner no. 1** shall cooperate with the investigation till the submission of the final report and on further condition that the petitioners shall appear before the **learned Judge, Special Court under POSCO Act, Lalbagh, Murshidabad**, within **ten days** from date in connection with **C. Special Case No. 63 of 2024**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
7. The said N.G.O is directed to ensure that the child is allowed to pursue her higher studies and the N.G.O shall also ensure implementation of the order with regard to the education of the victim.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar, J)