

92 03.01.2024
(AD)
Court No.29
(Allowed)

C.R.M. (A) 4414 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chakdah** P.S. Case No.**541 of 2023** dated **06/08/2023** under Sections **417/376/354C/323/325/354/379/506/34** of the Indian Penal Code, 1860.

And

In the matter of: **Haran Tarafdar & Ors.**

....petitioners.

Mr. Shibaji Kumar Das
Ms. Sabana Khatun

...for the petitioners.

Mr. Debabrata Chatterjee
Ms. Mausumi Sarkar

...for the State.

Affidavits of service filed in Court be taken on record.

The petition is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, the petitioners were enlarged on interim anticipatory bail by the Coordinate Bench.

It is submitted at the bar that such order was passed without considering the materials in the case diary in view of the ensuing puja vacation.

We considered the materials in the case diary.

Learned Advocate appearing for the petitioners submits that principal accused was granted anticipatory bail by the Coordinate Bench on November 22, 2023.

State is represented.

We find from the records that the Coordinate Bench by an order dated November 22, 2023 passed in CRM (A) 4415 of

2023 enlarged the principal accused on anticipatory bail after returning a finding that the petitioner and the victim were adults and that they entered into consensual sexual relationship being cognizant of the fact that the victim is a divorcee with a son of 10 years old.

The petitioners before us are the parents, family friends and neighbours of the principal accused.

On the ground of parity, we confirm the interim order dated October 16, 2023.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two 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 and on further condition that the petitioner nos.1 and 3 will report before the Investigating Officer as and when called for till the conclusion of the investigation and petitioner no.2, 4, 5 and 6 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners 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 the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 4414 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)