

08.01.2024

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Ct. No. 29
S.D.

C.R.M.(A) 4630 of 2023

In Re:- In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **760** of **2023** dated **25.09.2023** under Section 363/373/34 of the Indian Penal Code.

And

In Re : Mithun Munshi @ Arjun Munshi & Ors.

..... petitioners

Mr. Asraf Mondal

....for the petitioners

Mr. Tanmoy Kumar Ghosh, Ld. S.G.A.,

Ms. Pritha Paul

...for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 by the Coordinate Bench.

By such order dated October 16, 2023, the petitioners were enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We perused the materials in the case diary.

The victim was 14 years of age when apparently she was given in marriage to the petitioner no. 1. Petitioner nos. 2 and 3 organized the marriage.

The statement of the victim recorded under Section 164 of the Cr.P.C. and the father recorded statement under Section

161 of the Cr.P.C. and other materials in the case diary implicate all the three petitioners before us in the incident.

Considering the gravity of the offence and the fact that the victim was 14 years of age at the time of the incident, we are unable to confirm the order dated October 16, 2023 or to grant anticipatory bail to any of the petitioners and the prayer of anticipatory bail is rejected.

The application being CRM (A) 4630 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)