

10.01.2024
ML-237
Court No.29
(AD)
(Allowed)

C.R.M. (A) 4898 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murshidabad** Police Station Case No. **379 of 2023** dated **29.05.2023** under Sections **363/365/34** of the Indian Penal Code, 1860 adding Section **376(3)** of the Indian Penal Code, Section **4** of the POCSO Act and Section **9** of the Protection of Child Marriage Act subsequently charge sheet submitted under Sections **363/365/120B/376(3)** of the Indian Penal Code read with Sections **4/6/17** of the POCSO Act and Sections **9/10** of the Prohibition of the Child Marriage Act, corresponding to C. Special Case No.34 of 2023.

And

In the matter of: **Nirmal Sarkar**

....petitioner.

Mr. Jissan Iqbal Hossain

Ms. Chandrima Debnath

...for the petitioner.

Md. Anwar Hossain

Ms. Sreyashee Biswas

...for the State.

Petitioner prays for anticipatory bail.

Affidavit of service filed in Court be taken on record.

Claim for parity with other co-accused who were enlarged on anticipatory bail by the order dated September 14, 2023 passed in CRM(A) 3983 of 2023 is not being disputed on behalf of the State.

Police filed charge sheet.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 condition that the

petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 4898 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)