

JPD-207
Ct No.01
29.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 490 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mekhliganj** Police Station Case No. **145** of **2024** dated **21.04.2024** under Sections **363/365/34** of the **IPC adding Sections 06/17** of the **POCSO Act**.

And

In the matter of: **Parikshit Chandra Barman and another**
.... petitioners

Mr. Biswarup Roy
... for the petitioners

Mr. Ujjwal Luksom,
Mr. Saikat Chatterjee,
Ms. Namrata Das,
Mr. Chattu Roy
... for the State

1. The affidavit-of-service filed today, which indicates good service on the victim girl, be kept on record.
2. Learned counsel for the petitioners submits that the petitioners' son is the principal accused. Allegedly, the petitioners' son fled with the victim girl who is around 16 years of age.
3. It is argued that there is no direct involvement of the petitioners in the alleged offence.
4. Learned counsel for the prosecution opposes the prayer for anticipatory bail and submits that the victim girl, as a result of the offence perpetrated against her, became pregnant and subsequently was forced to abort. According to the victim girl's statement, it transpires that when she contacted the parents of

the principal accused, that is, the present petitioners, the latter assured her that they would arrange for marriage but subsequently upon the victim girl coming to them, produced her before the police station.

5. It transpires from the nature of the allegations made in the statement of the victim that *prima facie* there could not have any involvement of the petitioners in the alleged offence. As such, we are inclined to grant the benefit of anticipatory bail to the petitioners.
6. Accordingly, CRM (A) 490 of 2024 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall comply with the stipulations in Section 438(2) of the Code of Criminal Procedure.
7. In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge at Mekhliganj. That apart, the petitioners shall attend each and every date of trial throughout the period of trial.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)