

20.08.2024.

Item No. 23

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 560 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 19.07.2024 in connection with Bakshirhat/Baxirhat Police Station Case No. 262 of 2024 dated 12.06.2024 under Sections 6/17 of the POCSO Act read with Sections 9/11 of the Protection of Child Marriage Act.

And

In the matter of: **Subhajit Das.** ..Petitioner

Mr. Subhasish Misra,
Mr. Satyajit Paul. ...For the petitioner

Mr. Aditi Shankar Chakraborty, Id. APP,
Mr. Sagnik Sankar Sikdar.For the State

Mr. Swarup Das.
...For the de facto complainant.

1. The application for anticipatory bail is sought on the ground that the petitioner and the victim girl were in love and had got married notwithstanding the fact that both of them are minors.
2. FIR was a result of a complaint from the Hospital, where the victim girl had gone for a check up.
3. Counsel for the State objects to the prayer for anticipatory bail of the petitioner.
4. Having regard to the facts and circumstances of the case, the de facto complainant is represented and submits that the petitioner is married to her and they are living

happily until the present FIR, this Court is inclined to grant anticipatory bail to the petitioner.

5. This Court is also of the view that no useful purpose will be served in detaining the petitioner in custody in the facts of the case.

6. It is directed that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the arresting officer upon furnishing a Personal Bond.

7. This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure corresponding to Section 482(2) of the BNSS, 2023.

8. The Case Diary be returned.

9. C.R.M. (A) No. 560 of 2024 is, thus, disposed of.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.)

(Rajasekhar Mantha, J.)