

21.08.2024.

Item No. 26

Court No.1

ap

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

C.R.M. (A) No. 583 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 Boxirhat Police Station Case No. 218 of 2024 dated 21.05.2024 under Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9/11 of the Prohibition of Child Marriage Act, 2006.

And

In the matter of: **Auwal Ali & Ors.** ..Petitioners

Mr. Hillol Saha Podder,
Ms. Mousumi Das. ...For the petitioners

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee,
Mr. Dhiman Sil.For the State

1. The application for anticipatory bail is pressed on the ground that the alleged victim girl has been living happily on her own accord with the petitioner no.1. She is about 17 years of age and was pregnant. Upon reaching the Hospital, she gave birth to a child. The Hospital authority lodged the aforesaid complaint before the Police Authority.

2. Counsel for the State opposes the prayer for anticipatory bail of the petitioners.

3. This Court has carefully considered materials in the case diary and the evidence available on record.

4. Having regard to the facts as aforesaid and considering the materials available on record, this Court

is of the view that the petitioners shall be entitled to anticipatory bail.

5. It is directed that in the event of arrest, the petitioners shall be released on bail to the satisfaction of the arresting officer upon furnishing Bond of Rs.1,000/- each, with two sureties of Rs.500/- each, one of whom must be local.

6. 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.

7. The Case Diary be returned.

8. C.R.M. (A) No. 583 of 2024 is, thus, disposed of.

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

(Ajay Kumar Gupta, J.)

(Rajasekhar Mantha, J.)