

29.11.2024  
Item No.39  
Court No.1  
(GB)  
(Allowed)

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri**

**CRM (A) 804 of 2024**

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with **Sitalkuchi** Police Station Case No.**199 of 2024** dated **30.04.2024** under Sections 498A/304B of the Indian Penal Code, 1860 read with Sections 9/11 of Prohibition of Child Marriage Act, 2006 and Section 8/12 of the Protection of Children of Sexual Offences Act, 2012.

And

In the matter of: **Kendura Mia @ Kandura Miah @ Miya & Ors.**

....Petitioners.

Mr. Hillol Saha Podder,  
Ms. Mousumi Das

...for the Petitioners.

Ms. Namrata Das

... for the State.

1. Affidavit of service filed in Court today, is taken on record. None appears for the de facto complainant despite service.
2. The petitioners pray for anticipatory bail. The petitioners are the parents and family members of the accused. The principal accused was a juvenile. He was released on bail. The petitioners submit that they have been falsely implicated and custodial interrogation would not be necessary as the investigation is complete and charge-sheet has been submitted.
3. The learned advocate for the State has produced the case diary and opposes the prayer for anticipatory bail.
4. Upon perusal of the records, considering the fact that the charge-sheet has been submitted and the principal accused is already on bail, we are inclined to grant the benefit of Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the B.N.S.S., 2023, to the petitioners.

5. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of equal amount each, to the satisfaction of the learned Judge, Special Court under POCSO Act, Mathabhanga, Cooch Behar. The petitioners shall appear before the jurisdictional court on every date of hearing until further orders. The petitioners shall not leave the jurisdiction of the jurisdictional court without permission of the court. The petitioners will not intimidate witnesses nor tamper with evidence. In case of failure to comply with the above conditions, learned court may cancel the bail.
6. The application for anticipatory bail, being CRM (A) 804 of 2024 is, thus, disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Shampa Sarkar, J.)**

**(Partha Sarathi Chatterjee, J.)**