

29.11.2024
Item No.41
Court No.1
(GB)
(Allowed)

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

CRM (A) 813 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 **Sahebganj** Police Station Case No.**456 of 2023** dated **04.11.2023** under Sections 363/365 of the Indian Penal Code, read with Section 6/17 of the Protection of Children from Sexual Offence Act.

And

In the matter of: **Nankuram Das @ Nanku & Anr.**

....Petitioners.

Mr. Debjit Kundu

...for the Petitioners.

Mr. Aditi Shankar Chakraborty

Mr. Biswarup Roy

... for the State.

1. None appears on behalf of the de facto complainant.
2. The petitioners are the brother-in-law and sister of the principal accused. The allegation is that the petitioners tried to convince the victim to marry the principal accused. Hence, the prayer for anticipatory bail is made.
3. Learned advocate for the State has produced the case diary.
4. It appears that the victim declined to undergo the medical examination.
5. We have considered the materials on record and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure corresponding to Section 183 of the B.N.S.S. Considering the role allegedly played by the petitioners which transpires from the records, 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 petitioner.

6. 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 arresting officer and subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The further condition is that the petitioner no.1 shall meet the Investigating Officer once a week until further orders.
7. The application for anticipatory bail, being CRM (A) 813 of 2024 is, thus, disposed of.
8. 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.)