

29.11.2024
Item No.42
Court No.1
(GB)
(Allowed)

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

CRM (A) 818 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 **Mathabhanga** Police Station Case No.**493 of 2024** dated **06.07.2024** under Sections 363/365/109 of the Indian Penal Code, read with Section 9/10 of the Prohibition of Child Marriage Act, 2006 and Section 6 of the Protection of Children from Sexual Offence Act.

And

In the matter of: **Sahanur Alom @ Dulal**

....Petitioner.

Mr. Hillol Saha Podder,
Ms. Mousumi Das

...for the Petitioner.

Mr. Biswarup Roy

... for the State.

Mr. Arijit Ghosh

... for the de facto complainant.

1. Affidavit of service filed in Court today, is taken on record. The de facto complainant has been served and is present through the learned advocate.
2. The petitioner prays for anticipatory bail on the ground of false implication by his wife. The petitioner submits that a love affair had developed between the petitioner and the victim. The petitioner is 23 years old and the victim was 17 years old at the relevant point of time.
3. Learned advocate for the de facto complainant submits that even if the parties were emotionally involved, petitioner cannot be granted anticipatory bail.
4. Learned advocate for the State has handed over the case diary.
5. From the medical report and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure corresponding to 183 of the B.N.S.S., it appears that a social marriage took place and

the parties resided together for seven months, after which the victim returned to her family. Letters were also exchanged between the parties thereafter.

6. On the above consideration, we do not think that custodial interrogation would be necessary and we are inclined to grant anticipatory bail. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 shall meet the Investigating Officer once a week until further orders. The petitioner shall not enter the jurisdiction of Mathabhanga police station, except to meet the investigating officer. He will provide the address of his present address to the local police station.
7. The application for anticipatory bail, being CRM (A) 818 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.)