

04.12.2024
SI No.44
s.biswas
(Allowed)

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

CRM (A) 878 of 2024

In Re: An application for anticipatory bail under Section 482 of the BNSS corresponding to Section 438 of the Cr.P.C. in connection with **Boxirhat** Police Station Case No. **346/2024** dated **05.08.2024** under Section **137(2)/140(3)/351(2)/3(5)** of the BNS read with Sections **363/365/506/34** of the IPC.

And

In Re: **Harun Hossain @ Seik @ Sekh and another**

... .. Petitioners

Mr. Sudip Guha

... for the petitioners

Mr. Aditi Shankar Chakraborty, APP

Mr. Biswarup Roy

... .. for the State

Mr. Sandip Guha Roy

Mr. Ananda Paul

... for the victim

1. Petitioners pray for anticipatory bail on the ground that following a love affair, the victim and the petitioner no.1 eloped and got married. The victim voluntarily left her parental house. The marriage certificate has been annexed with the petition.
2. As per our last direction, the victim and the accused are present before the court. The victim is now 19 years old and she submits through her learned advocate that she is living with the petitioner No.1 as a happily married couple.
3. Considering such statement, we are of the view that custodial interrogation of the petitioners is not necessary

and the benefit under Section 482 of the BNSS corresponding to Section 438 of the Cr.P.C. can be extended to the petitioners.

4. Accordingly, we direct that in the event of arrest, the petitioners 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS and on further condition that the petitioners and the victim shall cooperate with the investigation.
5. The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)