

24.01.2024
(D/L 102)
Ct. No.1
(Allowed)
(SKB)

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

C.R.M.(A) 1037 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Tufanganj P. S. Case No.914 of 2023 dated 17.10.2023 under Sections 363/365/109 of the Indian Penal Code and Section 6 of the POCSO Act (G.R. Case No. 820 of 2023).

In the matter of : Azad Ali @ Ajad Ali and others
... Petitioners

Mr. Hillol Saha Podder
... for the petitioners

Mr. Ujjwal Luksom,
Ms. Sukanya Adhikary
... for the State

1. Heard learned Counsel for the parties.
2. The present petitioners are the family members of the alleged principal accused who allegedly eloped with the victim and committed the alleged crime.
3. In the statement of the victim recorded under Section 164 Cr.P.C., we do not find any whisper with regard to the role of the petitioners in the alleged crime.
4. Regard being had to such facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the POCSO Case No.57 of 2023

arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that:

- i) The petitioners nos.1, 2, 4 and 5 are directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
 - ii) The petitioner no.3 being a lady is directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.
 - iii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
 6. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
 7. The applications being CRM(A) 1037 of 2023 is disposed of.
 8. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)