

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

15.07.2019

Court No.01
Item No. 143
CHC/GC

CRM 254 of 2019

(Allowed)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 22.04.2019 in connection with POCSO Case No. 16 of 2019 arising out of Naxalbari Police Station Case 38/19, dated 17/3/2019 under Sections 341/323/325/34 of the Indian Penal Code read with Section 6 of the POCSO Act, 2012 with added Section 305 of the Indian Penal Code.

And

In the matter of : **Meera Das**

.....Petitioner

Mr. Sayan De, Advocate

....For the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.

Mr. Sanjiv Das, Advocate

.....For the State

It is submitted by the learned advocate for the petitioner that the petitioner being wife of the principal accused has been falsely implicated in this case and she is not in any way responsible for the death of the deceased victim, who committed suicide by setting fire on her person.

It is further submitted by the learned advocate for the petitioner that the deceased victim resides in the house of the husband of the petitioner as a tenant and the deceased maintains a sexual relationship with the husband of the petitioner, and such fact having brought to light, the petitioner voluntarily committed suicide by setting fire on her person.

Learned Additional Public Prosecutor opposing the bail submits that the victim having suffered death, in this case the petitioner should not be released on anticipatory bail.

The attention of the Court is drawn to the statement of

the witnesses already collected during the course of investigation. The statements are very significant to reveal that the victim maintained a sexual relationship with the husband of the petitioner. It is given to understand that the husband of the petitioner is now on bail. There is no dying declaration of the deceased victim, if any, recorded in course of the investigation.

Upon consideration of the facts and circumstances of the case and also regard being had to the materials already collected in the C.D., we are inclined to grant anticipatory bail to petitioner, a woman.

The prayer for anticipatory bail is allowed.

We, thus, order that in the event of the petitioner being arrested, the investigating officer shall release the petitioner on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) with two sureties of Rs.5000/- (rupees five thousand) each, subject to the satisfaction of the investigating officer with further condition that the petitioner will be subject to the conditions as incorporated under Section 438(2) Cr.P.C. and on further condition that she shall ensure her appearance before the regular court and obtain regular bail within a fortnight from the date of this order.

C.R.M.254 of 2019 is disposed of.

(Subhasis Dasgupta, J.)

(Soumen Sen, J.)