

05.03.2021
Court No.28
Item No. 20
Krishnendu
ALLOWED

C.R.M. 538 of 2021

(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Ashwini Mondal & Anr.**

.....Petitioners

Mr. Mrityunjoy Chatterjee

Mr. Golam Nure Imrohi

Mr. S.Bhattacharyya

.....For the Petitioners

Mr. Narayan Prasad Agarwala

Mr. Ashok Das

.....For the State

Apprehending arrest in connection with Islampur Police Station Case No. 444 of 2020 dated 30.08.2020 under sections 363/365/376/34 of the Indian Penal Code and section 4 of the Protection of Children from Sexual Offences Act, the petitioners have filed the present application.

The learned advocate for the petitioners submits that the present petitioners are the parents of one Toton Mondal, who happen to be the principal accused of the case and allegedly committed the offence so far as the victim girl is concerned , who is aged about 16 years.

The learned advocate for the State produces the case diary and draws the attention of this Court to the statement of the victim girl recorded under section 164 of the Code of Criminal Procedure.

We have perused the materials on record and we find that the allegations, so far as the present petitioners are concerned, are restricted to aiding their son. Having regard to the same, we are of the opinion that although a case has been made out against the present petitioners but their custodial detention may not be warranted in the instant case. As such, their prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Ashwini Mondal and Chandana Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 538 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

