

07.04.2021

Item No.53

Ct.No.28

dc.

Partly Allowed

C.R.M. 650 of 2021

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Tumpa Sardar @ Tuki & Anr.**

... Petitioners.

Mr. Mrinal Kanti Mukherjee,
Mr. Subhajyoti Chandra

... For the Petitioners.

Mr. S. S. Imam,
Mr. S. Kundu

... For the State.

Apprehending arrest in connection with Gopal Nagar P.S. Case No. 586 of 2020 dated 30.10.2020 (G.R. Case No. 2707 of 2020) under Sections 306/34 of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioner no.1, namely, **Tumpa Sardar @ Tuki** has already been arrested and as such, does not intend to press the application on her behalf. Accordingly, the application for anticipatory bail in respect of the petitioner no.1 is dismissed as 'not pressed'.

The learned advocate for the petitioner no. 2 submits that the petitioner no.2 is the mother-in-law of Tumpa Sardar @ Tuki who allegedly abused the victim and as such, has been implicated in the instant case.

The learned advocate appearing for the State draws the attention of this Court to the statement recorded under Section 164 of the Code of Criminal Procedure.

We have perused the materials in the case diary which include the statements of the witnesses as also the statement of a witness recorded under Section 164 of the Code of Criminal Procedure.

Having regard to the nature of allegations and the complicity of the present petitioner no.2, we are of the opinion that custodial detention of the petitioner no.2 may not be warranted in the instant case.

Accordingly, we **allow** the application for anticipatory bail in respect of the petitioner No. 2 and direct that in the event of arrest, the petitioner No. 2, namely, **Purnima Sardar @ Choto Buri**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 650 of 2021 is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)