

14.06.2021
Court No.28
Item No. 23
Avijit Mitra

CRM 2231 of 2021 (Via video Conference)

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

And

In Re: **Sridebi Das**

Petitioner

Mr. Gobinda Ch. Baidya,
Mr. Soumya Dev Roy

For the Petitioner

Mr. Madhusudan Sur,
Mr. S.S. Imam,
Mr. S. Kundu

For the State

Apprehending arrest in connection with Kakdwip Police Station Case No.218 of 2020 dated 28.12.2020 under sections 354C/354D/506/34 of the Indian Penal Code and added Section 12 of POCSO Act, the present application has been preferred.

Mr. Baidya, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The principal accused persons, namely, Sukh Das and Dhambasi Das have already been arrested. The said Dhambasi Das is the husband of the petitioner. No overt act has been attributed to the petitioner. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Sur, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the *de facto* complainant, as recorded under Section 161 of the Code and the statement of her daughter, as recorded under Section 164 of the Code.

Heard the learned advocates appearing for the respective parties.

Prima facie, the petitioner's culpability is not explicit from the materials in the case diary. Considering the nature of allegations, the extent of complicity of the petitioner and since Sukh Das and Dhambasi Das have already been arrested, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sridebi Das**, shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- 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.

Accordingly, the application for anticipatory bail being CRM No.2231 of 2021, is disposed of.

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

(Kausik Chanda, J.)

(Tapabrata Chakraborty, J.)