

17.08.2021
tkm/ct 28
sl no. 294

C.R.M. 2324 of 2021
(Via Video Conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Nandigram P.S case no. 41 of 2021 dated 25.1.2021 under sections 363/366/376(3)/34 of the Indian Penal Code added section 4 of the POCSO Act
And

Allowed

In Re : Jaydeb Parua & Anr.

..... petitioners

Mr. A K Samanta

..... for the petitioners

Mr. Rana Mukherjee

Ms. Faria Hossain

Ms. Baisali Basu

..... for the State

Apprehending arrest in connection with Nandigram P.S case no. 41 of 2021 dated 25.1.2021 under sections 363/366/376(3)/34 of the Indian Penal Code added section 4 of the POCSO Act, the petitioners have filed the instant application for anticipatory bail.

We have heard the learned advocate for the petitioners and the learned advocate for the State. We have also carefully perused the case diary. It appears from the case diary that there is sufficient material against the petitioner no. 1 in support of the allegation of committing sexual assault upon a minor girl.

However, petitioner no. 2 is the mother of petitioner no. 1. We do not find specific material against the petitioner no. 2. Therefore, while rejecting the application for anticipatory bail for petitioner no. 1, we are of the view that petitioner no. 2, Kajal Parua is entitled to be released on anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner no. 2 viz Kajal Parua shall be released on bail upon

furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that she will make herself as and when called for.

Default without any plausible reason on a solitary occasion to appear before the Investigating Officer may entitle the prosecution to apply for cancellation of the liberty granted in this order and if such approach is made, the concerned Court would decide the same independently without any further reference to this Court.

The application being CRM 2324 of 2021 is disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)