

15.09.2021
Item no.48
Court No.32.
S.De
(Allowed)

(Via Video Conference)

CRM No. 2499 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 08.03.2021 in connection with Gangnapur Police Station Case No. 56 of 2019 dated 22.05.2019 under Sections 363/366/120B of the Indian Penal Code.

And

In the matter of : Kalpana Nayek.

.....Petitioner.

Mr. Snehansu Majumder, Advocate,
.....for the Petitioner.

Mr. Prasun Kr. Dutta, Ld. A.P.P.,
Mr. Subrata Roy, Advocate,
.....for the State.

Leave is granted to learned advocate for the petitioner to correct the petitioner's address in the cause title of the petition.

The petitioner is the mother of one Suresh Nayek who allegedly kidnapped the complainant's minor daughter. The victim has been recovered. Suresh Nayek was arrested and has been enlarged on bail by this Court. The father of Suresh Nayek has also been granted bail by the learned Trial Court.

We have seen the statement of the victim girl recorded under Section 164 of the Criminal Procedure Code. There is no implication of the present petitioner therein. Charge-sheet has been submitted.

On an overall assessment of the facts and circumstances of the case and the material on record as well as the extent of possible complicity of the petitioner in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner namely **Kalpana Nayek** shall be released on 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2499 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

