

25.05.2021

28

***suman/
Srimanta***

Ct. 28

CRM 2759 of 2021

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

And

In the matter of:

Rikta Ghosh & Ors.

....Petitioners

Mr. Sanjib Kumar Dan

Mr. Saryati Dutta

...for the petitioners

Mr. Tanmoy Kumar Ghosh

Mr. Arindam Sen

...for the State

Apprehending arrest in connection with Nanoor Police Station Case No.27/21 dated 10.03.2021 under Sections 417/376/120B of the Indian Penal Code the present application has been preferred.

Mr. Dutta, learned advocate appearing for the petitioners submits that the petitioner No.1 and the petitioner No.2 are the mother and aunt of the petitioner No.3. They have all been falsely implicated and the allegations are absolutely

unfounded. In view thereof, custodial interrogation /detention of the petitioners is not necessary.

Learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the victim girl as recorded under Section 164 of the Code.

Considering the nature of allegations as levelled against the petitioner Nos. 1 and 2 and the extent of their complicity in the alleged offence we are of the opinion that their custodial interrogation is not warranted in the facts and circumstances of this case.

Accordingly, we direct that in the event of arrest, the **petitioner** Nos. 1 and 2 namely **Rikta Ghosh and Arati Ghosh** shall be released on anticipatory 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 arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

However, prima facie there are materials in the case diary which reveal the involvement of petitioner no.3 in the alleged offence and in view thereof, we are not inclined to exercise any discretion in his favour and anticipatory bail of the petitioner no.3 namely **Arup Ghosh** is refused.

Accordingly, the application for anticipatory bail being **CRM 2759 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.

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)