

11.08.2021
Item no.143.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 3130 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 06.04.2021 in connection with Arambagh Police Station Case No.376 of 2020 Dated 16.10.2020 under Sections 315/317/370/318/107/109 201/304/467/468/471/120B/34 of the Indian Penal Code read with Sections 75/81/87 of the Juvenile Justice (Care & Protection of Children) Act, 2015

And

In the matter of : Rabindranath Ghosh & Anr.

.....Petitioners.

Mr. Milan Mukherjee, Sr. Adv,
Mr. Rahul Gangulyfor the Petitioners.

Mr. Saibal Bapuli, Ld. APP,
Mr. Arani Bhattacharyafor the State.

The charges against the petitioners are on various counts of the Indian Penal Code read with Sections 75/81/87 of the Juvenile Justice (Care & Protection of Children) Act, 2015.

The prosecution case is that a child, who was born to the daughter-in-law of the defacto complainant, was born with deformity. The allegation is that the petitioners, who are the paternal uncle and aunt of the daughter-in-law of the defacto complainant, accompanied the daughter-in-law to the nursing home. Subsequently, various things happened including disappearance of the child. However, the role of the present petitioners is restricted to accompany the daughter-in-law of the

defacto complainant to the nursing home. This is, very fairly, not disputed on behalf of the State.

We have seen statements of the witnesses recorded under Sections 161/164 of the Code of Criminal Procedure.

Having considered the facts and circumstances of the case and the material on record and the extent of possible complicity of the petitioners in the alleged offence and that charge sheet has been filed, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with further investigation, if any.

Accordingly, in the event of arrest, the petitioners shall be released on 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 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 petitioners fail 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 C.R.M. No.3130 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.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

