

08.06.2021
Court No.28
SL No.95
PJ/KC

**CRM 3290 of 2021
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanditala** P.S. Case No.**205/2020** dated **16.8.2020** under Sections **363/365/120B of the Indian Penal Code and added Section 376(2)(n) of the Indian Penal Code and Sections 4/6 of Protection of Children from Sexual Offences Act;**

And

In the matter of: **Rakhi Chakraborty,**

....Petitioner.

Mr. Kaushik Choudhury,

...for the Petitioner.

Mr. S.G. Mukherjee, Ld. P.P.

Ms. Faria Hossain,

Mr. Aniket Mitra,

...for the State.

This application for anticipatory bail has been filed apprehending arrest in connection with Chanditala P.S. Case No.205/2020 dated 16.8.2020 under Sections 363/365/120B of the Indian Penal Code.

Learned counsel for the petitioner submits that although the main accused has been additionally charged with the offence under Section 376((2)(n) of the Indian Penal Code and Sections 4 and 6 of the POCSO Act but there is no charge against the present petitioner under the aforesaid section. It is also submitted that the principal accused has surrendered to the Court below.

Considering the facts of the case and that the charge-sheet has been filed and the petitioner is not required for custodial interrogation any further and the fact that the petitioner has a little child, the application of the petitioner under Section 438 Cr.P.C. is allowed.

Accordingly, in the event of arrest the petitioner shall be released on bail subject to satisfaction of conditions under Section 438(2) of Cr.P.C., 1973 and upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **learned Additional District & Sessions Judge, 1st Court, Serampore, Hooghly**, subject to condition that the petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the **Court** except for the purposes of investigation and attending Court proceedings and shall provide the addresses where she will reside while on bail to the Investigating Officer as well as the Court below and shall report to the Officer-in-Charge of the concerned Police Station within whose jurisdiction she will reside once in a week until further orders. The petitioner shall surrender her passport to the IO and if she does not possess passport shall submit affidavit to that effect before the IO.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)