

03.12.2021
Court No.32
rpan / **152**

C.R.M. 4925 of 2021

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Mamta Singh @ Chuhan**

- Petitioner

Mr. Mrityunjoy Chatterjee,
Ms. Debapriya Majumder,
Mr. Sreejeet Basu Roy
....for the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan
....for the State.

Apprehending arrest in connection with Harwood Point Coastal Police Station Case No.283 of 2020 dated 17.12.2020 under Sections 363/365 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner is the mother of the principal accused. She has been falsely implicated. No overt act has been attributed to her. Upon completion of investigation charge sheet has also been submitted. As such, custodial interrogation is not warranted.

Mr. Dan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the statement of the victim girl, as recorded under Section 164 of the Code of

Criminal Procedure. He submits that the principal accused is in custody.

Having heard the learned advocates and considering the materials in the case diary, including the statement of the victim girl, as recorded under Section 164 of the Code, the nature of allegations and the extent of complicity of the petitioner herein, who is the mother of the principal accused, we are of the opinion that custodial interrogation is not necessary, more so when, upon completion of investigation charge sheet has also been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Mamta Singh @ Chuhan**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. She shall also attend the learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned 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, being CRM No. 4925 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)