

08.10.2021
Item no.14
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 6663 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 01.10.2021 in connection with Balagarh Police Station Case No. 245 of 2021 dated 26.08.2021 under Section 365 of the Indian Penal Code.

And

In the matter of : Gopa Das @ Gopa Sarkar.

.....Petitioner.

Mr. Arup Kr. Bhowmick, Advocate,
.....for the Petitioner.

Mr. Narayan Prasad Agarwala, Advocate,
Ms. Sutapa Banerjee, Advocate,
.....for the State.

The petitioner says that she has absolutely no connection with the alleged offence of kidnapping. Apparently, the victim who is a married lady with a 13 years old son, ran away with the petitioner's brother. The brother has been arrested. The petitioner, at all material times, lived at her matrimonial home. She is seven months' pregnant that is why she could not respond to the notice issued under Section 41A of the Code of Criminal Procedure. However, she is fully prepared to co-operate with the Investigating Officer.

We have seen the statement of the victim's husband in the case diary and also the FIR. Prima facie, there does not appear to be direct implication of this petitioner in the alleged offence.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner is not necessary so long as she co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner namely **Gopa Das @ Gopa Sarkar** 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 6663 of 2021 is, thus, allowed.

We find from the records that the petitioner is in advanced stage of pregnancy. This would make it practically impossible for her to travel from her house to the police station which is in a different district. However, the Investigating Officer

would be at liberty to visit the petitioner's house and interrogate her without causing any harassment to her in view of the fact that she is in an advanced stage of pregnancy.

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.)