

15.11.2021
Sl. No.37
akd
[ALLOWED]

C. R. M. 6956 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 07.10.2021 in connection with Murutia Police Station Case No. 196 of 2021 dated 16.09.2021 under Sections 376/506/34 of the Indian Penal Code, Sections 6/21 of the POCSO Act and Section 34 of the Juvenile Justice Act.

And

In Re: **Anjana Biswas & Anr.**

... .. Petitioners

Mr. Atis Kumar Biswas
Mr. Partha Sarkar
Mr. Amit Singh
Ms. Jyoti Agarwal

... .. for the petitioners

Ms. Joanna Siren Sarkar
Mr. Rameshwar Sinha

... for the de-facto complainant

Mr. Madhusudan Sur .. Ld. Addl. Public Prosecutor
Mr. Nirupam Dhali

... .. for the State

It is submitted on behalf of the petitioners that they are the relations of the principal accused and have been falsely implicated in the instant case due to domestic disputes. It is further submitted that the principal accused is already in custody.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

Learned advocate appearing for the de-facto complainant also opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the victim girl. Keeping in mind the extent of complicity of the petitioners in the alleged crime and in view of the fact that the principal accused is already in custody, we are of the opinion that custodial interrogation of the accused/petitioners may not be necessary

in the facts of the present case and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Anjana Biswas & (2) Rupali Biswas**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

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

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)