

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

28.09.2021
Court No.01
Item No.07
Avijit Mitra

CRM 137 of 2021

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

And

In Re: Sonabala Barman

...Petitioner

Mr. Sudip Guha

...For the Petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,

Mr. Sagnik Sankar Sikdar

...For the State

Apprehending arrest in connection with Dinhata Women Police Station Case No.50 of 2020 dated 07.07.2020 under sections 506/109 of the Indian Penal Code and read with Sections 4/17 of the Protection of Children from Sexual Offences Act, 2012, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner submits that the petitioner had no participation in the alleged offence and she had not intentionally aided the alleged commission of the same. She has been falsely implicated. The other co-accused persons being her two sons and her daughter have already been granted anticipatory bail by the learned Court below. Her husband has also been granted bail by a Coordinate Bench of this Court. Upon completion of investigation chargesheet has also been submitted. In the said conspectus, custodial interrogation of the petitioner is not warranted, more so when she is a woman and

there is no likelihood that she would delay the trial by abscondence.

Mr. Sikdar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim as recorded under Section 164 of the Code.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the extent of complicity of the petitioner in the alleged offence and as there is no likelihood that she would flee from justice, we are of the opinion that custodial interrogation of the petitioner is not necessary in the facts and circumstances of the present case, more so when upon completion of investigation chargesheet has also been submitted and as such the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sonabala Barman** shall be released on anticipatory 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.

The application for anticipatory bail, being CRM 137 of 2021, is disposed of.

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

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)

