

13.08.2021

Item no.3.

Court No.32.

AB

(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

(Via Video Conference)

CRM No.805 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 29.07.2021 in connection with Kuchlibari Police Station Case No.18 of 2021 Dated 18.04.2021 under Sections 342/376/323/506/120B of the Indian Penal Code

And

In the matter of : Chapina Bibi @ Chhakina Bibi

.....Petitioner.

Ms. Suman Sehanabisfor the Petitioner.

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharyafor the State.

The allegation against the petitioner is that she had invited the victim girl to her house. Thereafter, the petitioner's brother came to that house and the petitioner assisted her brother to rape the victim girl in her house.

We have considered the material in the case diary. Investigation is in progress. The charge under Section 376 of the Penal Code obviously cannot hold water against the petitioner. At the most, Sections 342 and 120B of the Penal Code may be

pressed against the petitioner. The offence punishable under Section 342 of the Penal Code is bailable.

Having considered the entire facts and circumstances of the case and the nature and gravity of the alleged offence, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as she cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner 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 C.R.M. No.805 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

