

13.12.2021
SL No.41
Court No.1
(SK)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1014 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Mathabhanga Police Station Case No.460 of 2021 dated 17.08.2021 under Sections 363/365 of the Indian Penal Code, 1860, adding Section 4 of the Protection of Children from Sexual Offences Act, 2012, corresponding POCSO Case No. 36 of 2021.

And

In the matter of : **Saraswati Pramanik & Ors.**

- Petitioners.

Mr. Hillol Saha Podder

... For the Petitioners.

Mr. Abhijit Sarkar,

Mr. Sagnik Sankar Sikdar,

... For the State.

The learned Counsel for the petitioners submits that the petitioners are innocent and no way connected with the commission of the offence.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and draws our attention to the statement of the victim under Section 164 of the Code of Criminal Procedure and statement of some of the witnesses recorded under Section 161 of the Code of Criminal Procedure implicating the petitioners.

Considering the material available on record and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and the statement of some of the independent witnesses recorded under Section 161 of the Code of Criminal Procedure and also on the fact that the principal accused is absconding, we are not inclined to grant anticipatory bail of the petitioner nos. 2 and 3.

However, prayer for anticipatory bail of the petitioner no. 1, who happens to be the mother of the principal accused is allowed.

Accordingly, we direct that in the event of arrest the petitioner no. 1, **Saraswati Pramanik**, 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 on condition that the petitioner no. 1 shall co-operate with the Investigating Officer of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No.1014 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.

(Biswajit Basu, J.)

(Soumen Sen, J.)