

CRM (A) 259 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Sulekha Bibi**

..... petitioner

Mr. Ali Ahsan Alamgir
Ms. Riya Das
Ms. Rabia Khatoon

.....For the petitioner

Mr. Tanmay Kr. Ghosh
Ms. Sonali Bhar

.....For the State

Apprehending arrest in connection with Ranitala Police Station Case No. 572 of 2018 dated 20.11.2018 under Sections 498A/376/34 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act and Section 9 of Prohibition of Child Marriage Act, the present application has been preferred.

Mr. Alamgir, learned lawyer appearing for the petitioner submitted that the son of the present petitioner and the victim married each other in the year 2018. The victim lived with the son of the present petitioner for some time and thereafter, returned to her parental home. The allegation is false and fabricated by the mother of victim without having any basis and only to implicate the accused person falsely. He further submitted that custodial detention of the present petitioner is not necessary as

charge sheet has been filed. Therefore, he prays for anticipatory bail.

Per contra, Mr. Ghosh, learned lawyer appearing for the State submitted that there are incriminating elements in this matter. Referring to the statement of the victim girl he submitted that the victim is a minor and the allegation is serious. He further stated that the Marriage Registrar refused to register the marriage as the victim was minor. Accordingly, he strongly refused the prayer for anticipatory bail though charge sheet has been filed.

We have heard the rival submissions. On perusal of the case diary it appears that the allegations are levelled against the son of the present petitioner. The present petitioner's involvement in the alleged offence is not pronounced or manifested by any overt act. Considering the fact that charge sheet has been filed and custodial detention is not necessary for interrogation and also considering the extent of complicity of the present petitioner in the alleged offence, we are inclined to allow the anticipatory bail in favour of the present petitioner.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Sulekha Bibi** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel her bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 259 of 2022, is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)