

07.06.2022
Sl. No.71
akd
[ALLOWED]

C. R. M. (A) 2379 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.05.2022 in connection with Bamangola Police Station Case No. 79 of 2022 dated 22.03.2022 under Sections 448/376/511/120B of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: ***Janjali Mandal (Roy)***

... .. Petitioner

Ms. Pompey Bose
Mr. Soumya Nag
Mr. Abhinav Rakshit

... .. for the petitioner

Mr. S.S. Imam
Sk. Arif Hossain

... .. for the State

It is submitted on behalf of the petitioner that she is not the principal accused. Petitioner is the mother of the victim girl and has been falsely implicated in the instant case by the sister-in-law of her deceased husband.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner did not protest when her minor daughter was sexually abused by her second husband.

We have considered the materials on record. Keeping in mind the extent of complicity of the petitioner in the alleged incident and as the possibility of false implication of the petitioner by a relation of her deceased husband cannot be ruled out, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and she may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Janjali Mandal (Roy)***, be released on bail

upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 petitioner 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.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)