

SL. 67
26.05.2022
Court No. 05
S Das/AJ

(Allowed)

CRM (A) 2415 of 2022

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 23.05.2022 in connection with Nazat Police Station Case No.206 of 2019 dated 06.09.2019 under Sections 376/120B of the Indian Penal Code and under Section 4 of the POCSO Act, 2012.

And

In the matter of: **Tanjila Bibi Akunji @ Tanjila Akunji.**
.... Petitioner.

Mr. Satadru Lahiri,
Mr. Safdar Azam.

...for the petitioner.

Mr. Sudip Ghosh.

... for the State.

Learned Counsel appearing for the petitioner submits that one of the co-accused persons has already been released on anticipatory bail. The other accused i.e. the son of the petitioner was also granted the relief of bail, on the ground that the said accused was a juvenile.

It is contended that, in such view of the matter, there is no reason why the petitioner ought not to be granted anticipatory bail.

Learned Counsel appearing for the State submits that the allegation made by the victim against the petitioner was far more incriminating than that against the husband of the

petitioner, who was granted anticipatory bail. It is, thus, contended that at the present juncture, it would not be prudent to grant anticipatory bail to the petitioner.

Inasmuch as the allegations against the petitioner and her husband are concerned, there is a discrepancy between the statements of the witnesses and the victim inasmuch as the exact involvement of the present petitioner and her husband is concerned.

Moreover, since the husband of the petitioner, who is on a virtually equal footing as that of the petitioner inasmuch as the allegations are concerned, has already been granted anticipatory bail, no useful purpose would be served in committing the petitioner to custody at this juncture.

Accordingly, CRM (A) 2415 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner complies with the stipulations under Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner shall make herself available for further investigation, if so required by the Investigating Officer.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)