

18.01.2022  
Item no. 28  
Court No.32  
Avijit Mitra

**C.R.M. 8543 of 2021 (Through Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

**In Re : Jayanti Dhonk**

.... petitioner

Mr. Ashok Kumar Das

....for the petitioner

Mr. Tanmoy Kumar Ghosh,

Ms. Sonali Bhar

..... for the State

Apprehending arrest in connection with Sankrail Police Station Case No.1108 of 2020 dated 20.11.2020 under Sections 498A/315/34 of the Indian Penal Code read with Section 6 of Protection of Children from Sexual Offences Act, the present application has been preferred.

Mr. Das, learned advocate appearing for the petitioner submits that the complaint had been lodged about 130 days after the alleged incident. Such delay has also not been explained. No specific act has been attributed to the petitioner herein, who is the mother-in-law of the victim. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation of the petitioner is not necessary.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl as recorded under Section 164 of the Code and the medical reports.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case

diary, the role attributed to the petitioner, the nature of accusations and the extent of complicity of the petitioner, we are of the opinion that custodial interrogation is not necessary more so when upon completion of investigation chargesheet has been submitted and as *prima facie* there is no possibility that the petitioner, who is housewife, would flee from justice or delay the trial by abscondence.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Jayanti Dhonk** shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 8543 of 2021 is disposed of.

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

**(Ajoy Kumar Mukherjee, J.)      (Tapabrata Chakraborty, J.)**

