

04.10.2023

SL. 39

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 4034 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bongaon** Police Station Case No. **596** of **2023** dated **16.06.2023** under Sections **363/366/376/120B** IPC read with Section **6** of the POCSO Act.

And

In the matter of: **Shefali Pramanik @ Putul Pramanick & Anr.**
....petitioners.

Mr. Priyankar Ganguly
Ms. Neelanjana Ghorui

...for the petitioners.

Mr. Sumik Ganguly

...for the State.

1. Heard learned Counsel for the parties.
2. Perused the tracking report.
3. The notice has been sent back to the petitioner with the postal endorsement 'refused'.
4. The service is held to be sufficient.
5. The affidavit-of-service be taken on record.
6. The petitioner no. 1 is the mother-in-law of the elder daughter of the informant. The victim is the younger daughter of the informant. One Pradip Biswas @ Prabir is the principal accused.
7. From the FIR and the statement of the victim recorded under Section 164 Cr.P.C., it is found that there was some sort of relationship between aforesaid Prabir and the victim. The aforesaid Prabir is alleged to have exploited the emotion of the

victim by threatening her that if she does not marry him (Prabir), he shall commit suicide.

8. It is further found from such materials that fixing a *rendezvous* both aforesaid Prabir and victim boarded the train and this petitioner helped them in coming to the station and boarding the train.
9. So far as the petitioner no. 1 is concerned, there is some allegation of assistance to facilitate the relationship between Prabir and the victim. It is clear from the aforesaid material that the petitioners are not involved so far as the principal offence under Section 6 of the POCSO Act is concerned. Their role being peripheral in nature, there is no justification of their custodial interrogation especially, after recovery of the victim lady.
10. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
11. Within 21 days from today, petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
12. Accordingly, the prayer for anticipatory bail is allowed.
13. The application being **CRM (A) 4034 of 2023** is disposed of.

14. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

