

11.05.2023
PP (16)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (A) 235 of 2023

In the Matter of : Sumi Roy Barman

.... Petitioner.

Mr. Anirban Banerjee,
Mr. Debasish Mukhopadhyay,
Mr. T. Kumai,
Mr. S. Basu

....for the petitioner.

Mr. Sourav Ganguly,
Mr. Arjun Chaudhury

.....For the State.

1. This is an application under the provisions of Section 438 of the Code of Criminal Procedure, 1973 (in short, Cr.P.C.), made by the petitioner on the apprehension of being arrested in connection with Mekhliganj Police Station Case No. 360 of 2022 dated 30th October, 2022 under Section 313/506/34 of the Indian Penal Code, 1860 (in short, IPC) read with Section 6/17 of the Protection of Children from Sexual Offences (in short, POCSO) Act, 2012 pending before the court of the learned Additional Sessions Judge-in-Charge, Mekhliganj Cooch Behar.

2. The prime accused is in custody. The statement under Section 164 of the Cr. P. C. of the victim does not show any direct allegation as against the petitioner. The petitioner's husband who is a co-accused has been granted anticipatory bail. The charge sheet has been filed.

3. Considering the materials on record and the facts disclosed from the contemporaneous documents including the case diary, we are of the opinion that custodial interrogation of the petitioner for the progress of investigation is not necessary and she may be enlarged on bail.

4. We accordingly allow this application for anticipatory bail on the following terms:

(a) We direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of like amount each, to the satisfaction of the Arresting Officer.

(b) The petitioner will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

5. We impose further conditions that:

(a) The petitioner/petitioners shall immediately deposit their passports, if they possess one, with the investigating officer.

(b) The petitioner/petitioners shall appear before the investigating officer for interrogation as and when summoned.

- (c) The petitioner/petitioners shall not enter the local limits of the jurisdictional police station save for meeting the Investigating Officer.
- (d) The petitioner/petitioners shall provide the details and whereabouts of his/her/their to the Investigating Officer.
- (e) The petitioner/petitioners shall not leave the limits of the district Cooch Behar without informing the investigating officer of the details of their whereabouts.
- (f) The petitioner/petitioners shall not tamper with evidence or interfere with the witnesses in any manner.
- (g) The petitioner/petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

6. The application for anticipatory bail CRM(A) 235 of 2023 is disposed of.

(Ananya Bandyopadhyay, J.)

(Arindam Mukherjee, J.)