

14.06.2023
Court No.01
Item No. 44
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

CRM (A) 383 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No. 107 of 2023 under Sections 14A and 14C of the Foreigners Act read with Sections 464, 465, 466 of IPC.

And

In Re: **Mitali Barman**

Petitioner

Mr. Satarudriya Mukherjee
Mr. Ankur Barman
Ms. Oshmita Mukherjee

For the Petitioner

Mr. Nilay Chakraborty
Mr. Subhasish Misra

For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and she is the landlady where the child was staying.

The learned Counsel for the State, in opposing the prayer for anticipatory bail, submits that the petitioner has produced a fake birth certificate in respect of a minor showing herself as mother of the minor. The minor is presently in Korakham.

Considering the materials available in the case diary, the involvement of the petitioner in the commission of the alleged offence and having regard to the fact that the child is in a safe custody in Korakham and also in view of the fact that the charge-sheet has already been filed and also having considered the statement of the child recorded under Section 164 of the Code of Criminal Procedure, we allow the anticipatory bail to the petitioner on an undertaking that the petitioner

shall surrender before the jurisdictional court within two weeks from date and shall attend the court below each and every date.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount, one of whom must be local, subject to the satisfaction of the Arresting Officer and also comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall co-operate with the investigation. The petitioner shall attend each and every date before the learned Trial Court and shall pray for regular bail within two weeks from date.

We direct the Investigating Officer to record a statement of the child under Section 164 of the Code of Criminal Procedure and based on such statement, if required, to apply for reconsideration of the charges already framed.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 383 of 2023 is, thus, disposed of.

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

(Raja Basu Chowdhury, J)

(Soumen Sen, J)