

5.09.2023
Item no.8
Court No.01
P.P./S.D.

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

CRM (A) 735 of 2023

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

And

In the matter of: Smt. Mamuni Rishi

.... Petitioner

Mr. Subhankar Dutta

....for the petitioner

Mr. Ujjwal Luksom

Mr. Chattu Roy

..... for the State

Apprehending arrest in connection with Jaigaon Police Station Case No.192 of 2023 dated 01.08.2023 under Sections 363/365/34 of the Indian Penal Code, the present application has been preferred.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary including the complaint and the statement of the victim girl, as recorded under Section 164 of the Cr.P.C. *Prima facie*, a perusal of the contents of the complaint and the statement of the victim girl, as recorded under Section 164 of the Cr.P.C., reveals inconsistencies. There is also no possibility that the petitioner would flee from justice. In view thereof, we are of the opinion that custodial interrogation of the petitioner may not be

necessary. Accordingly, the petitioners' prayer for anticipatory bail is allowed.

We direct that in the event of arrest, the petitioner namely, **Smt. Mamuni Rishi**, 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall extend all cooperation with the investigation which is yet to be completed.

The application for anticipatory bail CRM (A) 735 of 2023 is disposed of.

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)