

01.08.2024

Court No.29

Item No. 08

ar

CRA (DB) 159 of 2024

In Re:- An appeal under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 arising out of Haridevpur Police Station Case No. 73 of 2024 dated 09.02.2024 under Sections 498A/326/506/34 of the Indian Penal Code read with Sections 6/17 of the POCSO Act read with Section 75 of Juvenile Justice (Care and Protection of Children) Act.

And

In Re: **Smt. Sudipta Das** Appellant

Mr. Ayan Bhattacharjee
Mr. Nirmalya Chatterjee
Mr. Shounak Mondal For the Appellant

Mr. Debasish Roy, ld. PP
Mrs. Amita Gaur
For the State

Mr. Subharata Chowdhury
Mr. Aritra Sinha
Mr. Biswajit Goswami
For the De-facto Complainant

1. The petitioner is the mother-in-law of the defacto complainant. The victim is the son of the defacto complainant from the first marriage.
2. The learned Counsel for the petitioner submits that after the petitioner has filed the application for pre-arrest bail before the learned Session Judge, the statement under Section 164 of the Code of Criminal Procedure was recorded and the veracity of such statement may be considered in the aforesaid background. It is further submitted that the husband of the defacto complainant has been enlarged on anticipatory bail.
3. The learned Counsel for the de-facto complainant in opposing the prayer for anticipatory bail, has submitted that the mother-in-law has treated the

child with cruelty. The child is suffering from various disabilities. The prayer for anticipatory bail is opposed on behalf of the defacto complainant.

4. The learned Public Prosecutor, appearing on behalf of the State has produced the case diary and referred to the statement of the defacto complainant and the medical report.
5. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of alleged offence and having regard to the fact that the medical report does not prima facie reflect the allegation made against the petitioner by the daughter-in-law, we are inclined to grant anticipatory bail to the petitioner.
6. Accordingly, we direct that in the event of arrest the petitioner, **Sudipa Das** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and shall not leave the jurisdiction of Haridevpur Police Station till the submission of the final report and on condition that the petitioner shall cooperate with the investigation and on further condition that the petitioner shall appear before the learned Trial Court within two weeks from date.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. CRA 159 of 2024 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)

