

31.07.2024
SL No.24
Court No.29
(gc)
(Allowed)

CRM (A) 2544 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 filed in connection with Mollarpur Police Station Case No.109 of 2024 dated 16.05.2024 under Sections 147/148/149/341/186/353/332/323/325/326/307/427/506 of the Indian Penal Code read with Section 9 of MPO Act.

And

In the matter of : **Arpita Roy @ Ramu Roy**

- Petitioner.

Mr. Bitasok Banerjee,
Mr. A. Salam

....For the Petitioner.

Ms. Eshita Dutta

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and made a victim over alleged incident of extramarital affair in Malpara of Pathai village. The petitioner is a student and pursuing her study in Abhedananda Mahavidyalaya, Sainthia, Birbhum. It is submitted that she is no way connected with the alleged offence and has been falsely implicated.
2. The learned Counsel for the State in producing the case diary and opposing the prayer for anticipatory bail has submitted that a mob of two hundred people gathered over an incident of extramarital affair and the petitioner was one of them. In the incident, the police officers have sustained injuries while controlling the mob.

3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the fact that no specific overt act has been ascribed to the petitioner and moreover the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Arpita Roy @ Ramu Roy**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. It is further directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum in connection with G.R. Case No.804 of 2024 within two weeks from date.
5. Accordingly, the application for anticipatory bail is disposed of.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)