

20.11.2024
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Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 4008 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kushmandi Police Station Case No. 134 of 2024 dated 15.07.2024 under Sections 363/365/323/34 of the Indian Penal Code and Section 6 of POCSO (corresponding to Special Case No. 33/2024).

And

In Re: **Jaya Debsharma @ Jaya Sarkar.**

... .. Petitioner

Mr. Mazahar Hossain Chowdhury,
Ms. Chandrima Debnath.

... .. for the petitioner

Mr. Bibaswan Bhattacharya,
Mr. Ronit Mukherjee.

... .. for the State

Ms. Jeenia Rudra.

... for the de facto complainant

1. Petitioner submits she is not the principal accused and has been falsely implicated. She prays for anticipatory bail.

2. Learned lawyer for the State opposes the prayer for anticipatory bail and contends petitioner had lured the minor victim to the residence of the principal accused where she was detained and raped.

3. Learned lawyer for the *de facto* complainant also opposes the prayer for anticipatory bail.

4. We have considered the materials on record including the statement of the minor. Minor alleged she had accompanied the petitioner who is her sister-in-law and a relation of the principal accused. Minor was detained at the residence of the principal accused for 10-12 days and raped. Thereafter, she was recovered

by her parents. It is contended minor had come to the residence of the principal accused out of her own volition. Possibility of false implication of the petitioner in this regard cannot be ruled out. Principal accused has already been arrested and minor has been recovered. Investigation is complete.

5. Under such circumstances, we are to grant anticipatory bail to the petitioner.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Jaya Debsharma @ Jaya Sarkar** be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

7. The application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)