

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

**04.04.2024
Court No.01
Item No.22
Avijit Mitra**

CRM (A) 234 of 2024

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

And

In Re: Mona Bose

- Petitioner

Mr. Somraj Paul
...for the Petitioner.

Mr. Saikat Chatterjee,
Mr. Chattu Roy
...for the State.

Apprehending arrest in connection with Siliguri Police
Station Case No.1024 of 2022 dated 16.11.2022 under Sections
3, 4, 5 and 7 of the Immoral Traffic (Prevention) Act, 1956, the
present application has been preferred.

Mr. Paul, learned advocate appearing for the petitioner
submits that the petitioner is a lady member of a family and she
has been falsely implicated levelling unfounded allegations. She
had no manner of involvement in the alleged offence and the
ingredients of sections 3, 4, 5 and 7 of the Immoral Traffic
(Prevention) Act, 1956 are not attracted against the petitioner.
Upon completion of investigation chargesheet has also been
submitted and as such custodial interrogation of the petitioner
may not be necessary.

Mr. Chatterjee, learned advocate appearing for the State has drawn our attention to the statement of the victim girls, as recorded under Section 164 of the Code and answering our query he submits that other five accused persons were arrested and subsequently enlarged on bail.

Prima facie, from the statement of the victim girls it appears that no specific overt act has been attributed to the petitioner. Considering the nature of allegations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that her custodial interrogation is not necessary moreso when upon completion of investigation chargesheet has been submitted and as *prima facie* there is no reasonable apprehension that the petitioner would flee from justice.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Mona Bose** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall also attend the learned trial Court on all the dates as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 234 of 2024, is disposed of.

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

(Biswaroop Chowdhury, J.) (Tapabrata Chakraborty, J.)