

02.05.2024
SL No.58
Court No.1
(gc)
(allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 387 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Falakata Police Station Case No.88 of 2024, dated 03.03.2024 under Section 4 of the POCSO Act, 2012.

And

In the matter of : **Durga Rani Sarkar**

- Petitioner.

Ms. Esha Acharya,
Mr. Soumyadeep Ghosh
....For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar
... For the State.

1. The affidavit-of-service filed in Court today is taken on record.
2. It is submitted on behalf of the petitioner that the present accused petitioner is similarly circumstanced with the accused Samar Sarkar who has been enlarged on anticipatory bail by this Court in CRM(A) 326 of 2024 on 24.04.2024.
3. Learned Counsel for the State, though opposes the prayer for anticipatory bail, has submitted that the present accused petitioner is not the principal accused.
4. On perusal of the entire materials of the C.D. including the statement of the victim recorded under Section 164 of the Cr.P.C., we find that though the victim has taken the

name of the present accused petitioner, but there is no prima facie allegation of commission of offence under the POCSO Act as against the present accused petitioner and all allegation is found to be against the principal accused Mintu Sarkar who is stated to be in custody.

5. In view of such, we are inclined to allow the prayer for anticipatory bail.
6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Durga Rani Sarkar**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and with a further condition that the present accused petitioner shall comply with the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further ordered that the present accused petitioner shall meet the Investigating Officer as and when called for but not after the sunset by the concerned Investigating Officer till completion of the investigation unless she has been exempted from appearing by the concerned learned Trial Court. It is further ordered that the present accused petitioner shall not leave the territorial jurisdiction of the learned Trial Court except with the permission of the concerned learned Trial Court till submission of the final report.
7. Accordingly, the application for anticipatory bail is disposed of.

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

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)