

C. R. M. (A) 645 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 06.02.2025 in connection with Taltala Women Police Station Case No.06 of 2024 dated 13.11.2024 under Sections 64/318(2)/351/79/118/61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 12 of the POCSO Act.

And

In Re: ***Purnima Sadhukhan***

... .. Petitioner

Mr. Prosenjit Mukherjee
Ms. Sarbani Majumder

... .. for the petitioner

Sk. Salim
Mr. Biswajit Tiwari

... .. for the de-facto complainant

Ms. Sreyashee Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that she and her husband have a matrimonial dispute. She had instituted a divorce proceeding against him. De-facto complainant is an employee under her husband. She was utilized to falsely implicate the petitioner and her son in the case. Her son is on regular bail. Accordingly, she prays for anticipatory bail.
2. In light of the aforesaid submission, we called upon the State to furnish report whether matrimonial suit is pending between the parties and that de-facto complainant is employed under the husband or not.
3. Report is placed on record.
4. Learned Advocate for the de-facto complainant opposes the prayer for anticipatory bail. He submits another case on similar allegations has been instituted against the petitioner and her son.
5. Learned Advocate for the State submits details of the said case are not available.

6. We have considered the aforesaid submissions in light of the materials on record. In the FIR it is alleged petitioner aided and abetted her son to commit rape on a minor. Petitioner contends the allegations are out and out false and she and her son were falsely implicated owing to matrimonial dispute between herself and her husband. A divorce suit has been instituted by her. She also submits de-facto complainant is employed under her husband. Report shows though de-facto complainant is not an employee, her employment at MCS hospital was arranged by petitioner's husband. In this situation, it cannot be denied petitioner's husband has close nexus with the de-facto complainant and possibility of false implication owing to a prior matrimonial dispute cannot be brushed aside. Though it is argued petitioner and her son are implicated in another criminal case, no particulars of the case are placed on record.

7. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and she may be granted anticipatory bail.

8. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, **Purnima Sadhukhan**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 and on further condition that the petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)