

11.03.2025
Item No.44
Ct. No. 26
CHC
Allowed

C.R.M.(A) 843 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Belur** Police Station Case No. **106** of **2023** dated **05.05.2023** under Sections **376(2)(o)/506/120B** of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act subsequently charge sheeted on charge-sheet being no.101 of 2023 under Sections 376(2)(n)/506/120B/34 of the Indian Penal Code and read with Section 4 of the Protection of Children from Sexual Offences Act pending before the Court of Learned Judge, Special Court under Protection of Children from Sexual Offences Act, Howrah.

And

In the matter of: XXXXX

..... petitioner

Mr. Mrityunjoy Chatterjee, Advocate
Mr. Debapriya Majumder, Advocate
....for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.
Mr. Debarshi Brahma, Advocate
....for the State

Mr. Manas Das, Advocate
Mr. Akash Sarkar, Advocate
...for the de facto complainant

1. Petitioner, State and the de facto complainant are represented.
2. Petitioner before us is the mother of the principal accused.
Principal accused was enlarged on bail.
3. Principal accused married the victim. There is a baby born out of the wedlock also.
4. Police filed charge sheet.

5. De facto complainant does not oppose the prayer for grant of anticipatory bail to the petitioner.
6. In such circumstances, we grant anticipatory bail to the petitioner.
7. Accordingly, we direct that in the event of arrest the petitioner will 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 be 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, and on further condition that the petitioner shall appear on every date before the jurisdictional court on and from the date fixed for appearance of the accused and in default the jurisdictional court will pass appropriate order to secure the presence of the petitioner in court including cancelling the anticipatory bail granted without further reference to this Court.
8. This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Smita Das De, J.)