

Order no. 2 dated 27.11.2018

The application for anticipatory bail U/s.438 of Cr.P. filed on behalf of the accused petitioners **namely Smt.Gouri Shaw and Smt. Punam Shaw** is taken up for hearing. Heard both sides. Perused the C.D and L.C.R. and the other documents.

Ld. Advocate for the accused/ petitioners submits before this court that both the accused petitioners have been falsely implicated in the instant case by the defacto complainant. She further argued that the petitioner no. 2 Punam Shaw had already filed one criminal case against the father of the V.G. and her another uncle and in connection with that case the father of the defacto complainant was arrested and at that time the mother of the V.G. threatened the petitioner no.2 by stating that they would have to face dire consequences and moreover both of them were also driven out from their ancestral property in connivance with others and both the petitioners are practically starving and have been staying on the footpath in shanti. She further stated that the custodial interrogation of both the accused/ petitioners are not at all required in the instant case. In such circumstances she prays for anticipatory bail of the accused petitioners in any terms and condition.

Ld. Spl.P.P. also raised objection and stated before this court that so far as the allegations are concerned, custodial interrogation of the petitioners are not required in the instant case. So, he left the matter entirely upon the discretion of the court.

Considered. Having heard the submissions of both sides and on perusing the materials in C.D. as well as record it appears that there are case and counter case in between the parties and moreover, the petitioner no.2 had already filed a criminal case against the father of the V.G. with sexual molestation and other charges. Considering further that custodial interrogation of the accused/ petitioners are not required in the instant case. In the above facts and circumstances the anticipatory bail prayer of accused petitioners stands **allowed**.

Accordingly in the event of arrest in connection **Dankuni** P.S. case No. 185/2018 dated 20.6.2018 the accused petitioners namely **Smt.Gouri Shaw and Smt. Punam Shaw shall be released on bail of Rs.500/- each with one surety** with the condition that they shall comply the provision U/s. 438(2) of Cr.P.C. and this order shall remain valid for 30 days from this date of order and that the accused petitioners shall be entitled to file regular bail which shall be considered on merit by the concerned court.

C.D and L.C.R. be returned.

The Cr.Misc. case is thus disposed of.

Let a copy of this order be sent to Judge Spl.Court,Serampore for information.

Dictated and corrected by me,

A.S.J. Serampore

Additional Sessions Judge
1st Court, Serampore

