

10.09.2020

Item no. 23

Ct.11

BP/CHC

Allowed

C.R.M. No.6376 of 2020
[C.R.A.N.1 of 2020]
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Daspur Police Station Case No.235 of 2020 dated 05.07.2020 under Sections 498A/323/307/406/34 of the Indian Penal Code with 3/4 D.P. Act.

And

In the matter of:-

Raju Darji & ors.

... Petitioners

Mr. Sudipta Maity

.. for the petitioners

Mr. Madhusudan Sur,
Mr. Pradipta Kr. Ganguly

..for the State

The petitioners undertake to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned advocate for the petitioners submits that marriage between the petitioner no.1 and the defacto complainant was solemnized about 13 years ago. Learned advocate for the petitioners further submits that the present case is of matrimonial discord and unnecessarily the parents-in-law have been implicated in the case.

Mr. Ganguly, learned advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the injury report as well as the other materials implicating the present petitioners.

We have taken into account the materials available in the memorandum of evidence as also the injuries which are reflected in the injury report.

After taking into consideration whole of the case we are of the opinion that although a case has been made out but custodial detention of the petitioners are not necessary for progress of the case. As such the prayer for anticipatory bail of the petitioners are allowed.

Accordingly, in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of arresting officer and on condition that they shall not tamper with the evidence or intimidate the witnesses. Further, the petitioners shall make themselves available as and when required by the investigating officer of that case.

Petitioner no.1 (Raju Darji) is directed to meet with the investigating officer once a week until further orders.

The aforesaid order of anticipatory bail shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

With these observations, CRM 6376 of 2020 and CRAN 1 of 2020 are disposed of.

Learned appropriate Trial Court as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)