

01-10-2020
Subha
Item no.28
Bail Allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 6678 of 2020

Subhas Mondal and 3 others

-vs-

The State of West Bengal

With

CRAN 1 of 2020

(Via Video conference)

In Re: An application for anticipatory bail under **Section 438 CrPC** apprehending arrest in connection with Manikchak P. S. Case No.192 of 2020 dated 06-07-2020 under Sections 341/323/325/326/34 of the Indian Penal Code and Section 6/17 of the POCSO Act.

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

...for the petitioners.

Ms. Sukanya Bhattacharya
Md. Kutubuddin

... for the State.

The advocate-on-record for the petitioners undertake to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking. Accordingly, CRAN 1 of 2020 is disposed of.

It is submitted by the learned advocate for the petitioners that the principal accused is in custody. It is also submitted that the petitioner no. 1 is the father of the principal accused, petitioner no. 2 is the mother of the principal accused, petitioner no. 3 is the husband of the sister of the principal accused and the petitioner no. 4 is the sister of the principal accused. It is further submitted that the petitioners are innocent

of charges and they have been falsely implicated in the present case.

Ms. Bhattacharyya, learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the present petitioners have no involvement with the case.

After hearing the submissions of the learned advocates appearing for the respective parties and considering the materials contained in the case diary, we are of the opinion that although a case has been made out, but the same do not warrant custodial interrogation of the present petitioners. Accordingly, the prayer for anticipatory bail of the present petitioners are allowed.

As such, in the event of arrest, the petitioners shall be released on bail, upon furnishing bond of Rs.10,000/- (Rupees ten thousand only) each with two sureties of like amount each, to the satisfaction of the arresting officer and on condition that they shall not tamper with the evidence of the case or intimidate the witnesses.

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

[Subhasis DAsgupta, J]

[Samapti Chatterjee, J]

