

23.09.2020
Item No.36
Ct.No.11
dc.
Partly Allowed

C.R.M. 6951 of 2020
C.R.A.N. 1 of 2020
(Through Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bhadreswar P.S. Case No. 210 of 2020 dated 17.08.2020 under Sections 498(A)/326/494/34 of the Indian Penal Code (corresponding G.R.No. 770/2020).

And

In the matter of : Mr. Amit Das & Ors. ... Petitioners.

Mr. Sudip Ghosh Chowdhury ... For the Petitioners.

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta,
Mr. Bitasok Banerjee ... For the State.

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

At the very outset, the learned advocate for the petitioners submits that the petitioner no.1 viz., Mr. Amit Das has already been arrested. As such, his application has become infructuous. Accordingly, learned advocate for the petitioners intends not to press the application on behalf of the petitioner no.1 (Mr. Amit Das).

So far as the rest of the petitioners are concerned, the learned advocate submits that they have been implicated in the case pursuant to a civil suit being filed and the subject matter of marriage is already challenged before the civil court. The learned advocate further submits that considering the nature of allegation and the fact that the case was initiated on the basis of an application under Section 156(3) of the Code of Criminal Procedure, custodial detention of the petitioners may not be necessary for the sake of investigation.

Mr. Datta, learned advocate appearing for the State opposes the prayer of the petitioner.

We have taken into account the materials placed before us as also the allegations in the application under Section 156(3) of the Code of Criminal Procedure which has been treated to be the first information report in the instant case. Having considered the same, we are of the opinion that although a case has been made out, but the custodial detention of the petitioner no.2 (Mr. Arun Kumar Das), petitioner no.3 (Mrs. Baby Das), petitioner no.4 (Mr. Biswajit Das), petitioner no.5 (Ms. Binapani Das), petitioner no.6 (Smt. Rupa Saha), petitioner no.7 (Mr. Jagadish Saha) and petitioner no.8 (Mrs. Maya Saha) are not necessary for the sake of investigation of the case.

Accordingly, we allow the prayer for anticipatory bail of the petitioner no.2 (Mr. Arun Kumar Das), petitioner no.3

(Mrs. Baby Das), petitioner no.4 (Mr. Biswajit Das), petitioner no.5 (Ms. Binapani Das), petitioner no.6 (Smt. Rupa Saha), petitioner no.7 (Mr. Jagadish Saha) and petitioner no.8 (Mrs. Maya Saha).

In the event of arrest, the petitioner no.2 (Mr. Arun Kumar Das), petitioner no.3 (Mrs. Baby Das), petitioner no.4 (Mr. Biswajit Das), petitioner no.5 (Ms. Binapani Das), petitioner no.6 (Smt. Rupa Saha), petitioner no.7 (Mr. Jagadish Saha) and petitioner no.8 (Mrs. Maya Saha) 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 intimidate witnesses and/or tamper with evidence in any manner whatsoever and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 6951 of 2020 and CRAN 1 of 2020 are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Samapti Chatterjee, J.)