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09-10-2020

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Court 23

C.R.M. 7343 of 2020
IA No. CRAN 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 Durgapur New Township Police Station (NTS) Case No. 105 of 2020 dated 07.09.2020 under Sections 326/307/351/379/411/386/426/506/34/120B of the Indian Penal Code.

Allowed

Ritika Saha & Ors.
Versus
State of West Bengal

Mr. Sudip Kumar, Adv.
Md. Sayeed Khan, Adv.

...for the petitioners.

Mr. Rana Mukherjee, Adv.
Ms. Sujata Das, Adv.

...for the State.

Mr. Joydeep Biswas, Adv.

...for the de-facto complainant

The petitioners undertake to affirm and stamp the petition/application 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.

CRAN 1 of 2020 is accordingly, disposed of.

The learned Counsel for the petitioners submits that a false complaint case has been lodged by the husband of the petitioner no.1 due to custody proceeding initiated by the petitioner no.1.

The learned Counsel for the State submits that the petitioners have severely beaten the family members of the husband and had kidnapped the child from their custody.

The learned Counsel for the de-facto complainant submits that, keeping in view the welfare of the child, it is imperative that the custody of the child should be given to the father. The child was mercilessly beaten.

Considering the submissions made on behalf of the parties and the materials on record and the extent of complicity of the petitioner nos. 1, 2 and 3 in the alleged commission of offence, we are of the view that custodial interrogation of the petitioners are not necessary. It is also taken into consideration that the custody proceeding over the child is pending before the Civil Court which also becomes part of the criminal complaint.

Accordingly, we direct that in the event of arrest, the petitioners shall 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 the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and the petitioners shall cooperate with the investigation.

In the event they fail to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)