

24.11.2020
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Sws M/G.S.Das
Ct. No.11

**CRM 7469 of 2020
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 Murutia Police Station Case No. 225 of 2020 dated 18.9.2020 under Sections 498(A)/302/120B of the IPC.

And

In the matter of : **Narayan Chandra Saha & Ors**

..... Petitioners

Ms. Karabi Roy

.... for the Petitioners

Mr. S. G. Mukherjee, Ld. P.P.

Ms. Faria Hossain

Mr. Aniket Mitra

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Learned Advocate for the petitioners submits that they are innocent of the charges and as the case was initiated under Section 156(3) of the Code of Criminal Procedure, there have been embellishment made against all the petitioners.

Learned Advocate for the State produces the case diary and draws the attention of this Court to the statement of the child who is 11-year-old.

We have perused the materials on record. We are not inspired by the nature of the statement which was deposed before the Learned Magistrate by the child.

Having regard to the totality of the circumstances of the case, we are not inclined to grant anticipatory bail to the Petitioner Nos. 1, 2, 3 and 4 and as such the prayer for anticipatory bail of the Petitioner No.1 (Narayan Chandra Saha), the Petitioner No.2 (Mohon Chandra Saha), the Petitioner No. 3 (Bharat Chandra Saha) and the Petitioner No. 4 (Bulbuli Saha @ Shikha Saha) is **Rejected**.

However, the prayer for anticipatory bail of the Petitioner No. 5 (Sefali Pal) and the Petitioner No.6 (Trishankar Pal) is **allowed**.

In the event of arrest, the Petitioner Nos. 5 (Sefali Pal) and the Petitioner No. 6 (Trishankar Pal) shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (rupees ten thousand only) each, with two sureties of Rs.5000/- (rupees five thousand) each to the satisfaction of the arresting officer or the investigating officer of the case and on condition that the petitioners shall not tamper with the evidence or intimidate the witnesses.

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 7469 of 2020 and CRAN 1 of 2020 are disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)