

ADSL.5.
October 1, 2020.
SG

CRM 7549 of 2020

In Re. An application for bail under Section 438 of the Code of Criminal Procedure in connection with Darjeeling Sadar Police Station Case No.93 of 2020 dated 12.09.2020 under Sections 498A/325/307/313/354/34 of the Indian Penal Code read with Sections 3/4 of D.P. Act.

*In the matter of: Anand More and anr.
...petitioners.*

Mr Rajdeep Majumder
Mr Moyukh Mukherjee
Mr Rohit Agarwal
... for the petitioners.

Mr Kallol Acharya
Mr Tapan Bhattacharya
... for the State.

The petitioners undertake 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.

The petitioners are the parents-in-law of the complainant. There is an allegation of the first petitioner of outraging the modesty of the complainant. Though a charge under Section 307 of the Code appears, it is submitted on behalf of the State that there is no report of any serious injury.

The State, however, points out that the investigation is only at the initial stage and no impediment must be put in the conduct of such investigation.

On the basis of the material available, including the statement of the complainant recorded under Section 164 of the Code, the immediate arrest of the petitioners does not appear to be necessary. However, the petitioners will cooperate with the investigation and will report to the investigating officer as and when called. The petitioners will also not leave the territorial jurisdiction of Matigara Police Station till the investigation is completed. Every attempt should be made to ensure that a thorough and unbiased investigation is completed within the statutory time.

In the event of arrest, the petitioners are directed to 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. The petitioners will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 7549 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)

