

15.10.2020
Court No. 12
cp

Item – 1(SL)

CRM 7583 of 2020
with
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 Chanchal Police Station Case No. 681/2020 dated August 12, 2020 under Sections 376D of the Indian Penal Code.

And

In the matter of: **Santana Kirtaniya @ Tinku Kirtaniya & anr.**

....Petitioners.

Ms. Sananda Bhattacharyya

...for the Petitioners.

Mr. Prasun Kr. Datta, Ld. APP,
Mr. Sanjoy Bardhan,
Mr. Palash Chandra Majhi.

...for the State.

The petitioners undertake to affirm and appropriately stamp the petition as per Rules within a month of resumption of normal functioning of the court. The application is taken up through video conference on the basis of such undertaking.

Pursuant to our order dated October 8, 2020, Mr. Aloke Rajouria, Superintendent of Police, Malda is present on the virtual platform. The report filed by the Superintendent of Police, Malda is taken on record.

The learned counsel appearing on behalf of the petitioners submits that the petitioners have been falsely implicated in this case. The genesis that the case started with the filing of an application under Section 156(3) of the Code of Criminal Procedure pursuant to the direction of the learned Chief Judicial Magistrate, Chanchal,

directing the police to register the case as FIR and following such direction, investigation has commenced. On the last occasion, on an assurance given to us that the petitioners would meet the investigating officer and cooperate with the investigating officer. We granted pre-arrest orders in favour of the petitioners.

Considering the materials on record and the report filed by the Superintendent of Police, Malda showing that the petitioners have cooperated with the investigation and no incriminating materials are available against the petitioners and on an assurance on behalf of the petitioners that they would continue to cooperate with the investigation, we feel that the custodial interrogation of the petitioners may not be necessary.

In fact, one of the co-accused, namely, Sri Abhijit Dutta, was granted anticipatory bail by a coordinate bench on October 8, 2020, in CRM 7446 of 2020, consisting of one of us (Soumen Sen J.).

Accordingly, in the event of arrest the petitioners shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each together with two sureties of the like amount each, one of whom must be local, to the satisfaction of the arresting officer subject to the condition as laid down under Section 438(2) of the Cr.P.C. It is further directed that the petitioners shall meet the I.O. of the case once a month and cooperate with the investigation.

The application for anticipatory bail being CRM 7583 of 2020 is allowed. Accordingly, CRAN 1 and 2020 is disposed of.

The learned counsel for the petitioners submits that due to inadvertence, the Police Case No. has been incorrectly mentioned as P.S. Case No. 631 of 2020 instead of P.S. Case No. 681 of 2020.

Let necessary corrections be made in the cause title.

All parties are to act on a website copy of this order on the usual undertaking.

(Soumen Sen, J.)

(Aniruddha Roy, J.)