

05.11.2020
Item no. 43
Ct.8
SSI/CHC
Partly Allowed

C.R.M. No.8819 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Burwan Police Station Case No.306 of 2020 dated 17.10.2020 under Sections 376/323/325/34 of the Indian Penal Code.

And

In the matter of:-

Dipen Bholla @ Dipen Bhalla & ors.

... Petitioners

Mr. Jisan Iqubal Hossain

.. for the petitioners

Mrs. Baisali Basu

..for the State

Learned advocate for the petitioners submits that instant case was initiated by way of application under Section 156(3) of the Code of Criminal Procedure after two months of the incident and the reasons for delay are not inspiring.

Learned advocate further submits that going by the nature of allegation, custodial interrogation of the petitioners may not be unwarranted.

Learned advocate for the State produces the Case Diary and draws the attention of the Court to the primary allegations made by the de facto complainant against the petitioners.

We have taken into account the materials on record and having considered the totality of the circumstances, we are not

inclined to allow the prayer for anticipatory bail of the petitioner no.1 (Dipen Bholla @ Dipen Bhalla).

However, we are of the opinion that the custodial interrogation of the petitioner No.2 (Rajya Bholla @ Rajyadhar Bhalla @ Riya Bhalla) and petitioner no.3 (Souhita Bholla @ Shaiba Bhalla) may not be warranted in the facts and circumstances of the case. Accordingly, the prayer for anticipatory bail of the petitioner nos.2 and 3 are allowed.

Accordingly, in the event of arrest, the petitioner no.2 **(Rajya Bholla @ Rajyadhar Bhalla @ Riya Bhalla)** and petitioner no.3 **(Souhita Bholla @ Shaiba Bhalla)** 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 arresting officer/Investigating Officer and on condition that they 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 8819 of 2020 is disposed of.

Learned Trial Court, as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Ashis Kumar Chakraborty, J.)

(Tirthankar Ghosh, J.)