

17.12.2020
Sl. No.136
akd
[ALLOWED]

C. R. M. 9262 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.11.2020 in connection with Bangshihari Police Station Case No.144 of 2020 dated 03.11.2020 under Sections 448/325/326/354/506/34 of the Indian Penal Code.

And

In Re: ***Mahananda Dhali @ Dali & Ors.***

... .. Petitioners

Ms. Jeenia Rudra .. Advocate

... .. for the petitioners

Ms. Kum Kum Mitra .. Advocate

... .. for the State

It is submitted on behalf of the petitioners that the victim has criminal antecedents. It is further submitted that the petitioners have been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the victim is a deaf and dumb girl.

We have considered the materials on record. Allegation of assault may be assessed in the light of the submission that the victim has a number of criminal cases pending against her. Keeping in mind the facts and circumstances of the case and the general nature of allegations, we are of the opinion that custodial interrogation of the accused/petitioners may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely ***(1) Mahananda Dhali @ Dali, (2) Puja Das, (3) Paly Das, (4) Ashok Das, (5) Ajoy @ Ajay Das, (6) Shiuli Das, (7) Suparna Mondal Das, (8) Kalyan Das, (9) Roma Das & (10) Gobinda Das***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like

amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)