

13.01.21
S.R.
Sl.108
Ct.28

CRM No.88 of 2021
Via video conference

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bagdah Police Station Case No.577 of 2019 dated 22.10.2019 under Sections 306/506/34 of the Indian Penal Code;

And

In re: Sarbani Kirtoniya @ Dola Kirtoniya @ Sarbani Kirthania
... petitioner.

Mr. Safdar Azam ... for the petitioner.

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan ...for the State.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the criminal proceedings. Upon completion of investigation charge sheet has been filed. The mother of the petitioner herein has already been granted anticipatory bail by a coordinate bench of this Court. In such circumstances, the custodial detention of the petitioner is not necessary.

The learned advocate appearing for the State respondent opposes the petitioner's prayer.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the fact that a co-accused had already been granted anticipatory bail, we are of the opinion that custodial detention of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Sarbani Kirtoniya @ Dola Kirtoniya @ Sarbani Kirthania**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, 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 being CRM No.88 of 2021 is, thus, allowed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)