

21.01.2021

Item no.146

Court No.28

Avijit Mitra

C.R.M. 261 of 2021 (via video conferencing)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Kolaghat Police Station Case No.338 of 2020 dated 29.11.2020 under Sections 498A/304B/34 of the Indian Penal Code;

And

In Re : Ananda Khanra & ors.

.... petitioners

Mr. Rameswar Sinha,

Mr. Mostafijur Rahaman

....for the petitioners

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Aniket Mitra

..... for the State

At the inception the learned advocate appearing for the State submits that the petitioner no.2 namely Puspa Khanra is neither named in the First Information Report nor till date her name has transpired in course of the investigation. As such, the application under Section 438 of the Code of Criminal Procedure so far as the present petitioner is concerned is not maintainable at this stage. If subsequently her name transpires, the investigating officer would serve notice upon the petitioner no.2 to afford her at least 10 days time for appearance. Presently the application under Section 438 Cr.P.C. for the petitioner no.2 is dismissed as infructuous.

So far as the petitioner nos. 1, 3 and 4 are concerned who are the son of the uncle-in-law, daughter-in-law of the uncle-in-law and grandson of the uncle-in-law, their complicity so far as the alleged offence is concerned has been assessed by this Court.

Learned advocate appearing for the petitioner submits that there are general allegations so far as the petitioners are concerned and there are no specific allegations of participation in the alleged offence against the said petitioners.

Learned advocate appearing for the State opposes the petitioner's prayer and draws attention of this Court to the statements of the witnesses.

We have perused materials in the case diary, the statements of the witnesses and also have taken into consideration that the marriage was solemnized two years prior to the commission of offence. Having regard to the facts and circumstances, we are of the opinion that custodial detention of the petitioner nos.1, 3 and 4 are not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely Ananda Khanra, Chhabi Khanra and Narayan Khanra 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 1 and 4 shall meet the investigating officer once a week on and from 25th January, 2021, until further orders.

The application being C.R.M. 261 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

