

07.04.2021

CRM 686 of 2021

Court No. 28
Item No. 70
snandy

(anti-bail allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 15.01.2021 in connection with Kolaghat Police Station Case No. 234 of 2020 dated 15.08.2020 under Sections 263/366/34 of the Indian Penal Code.

and

In the matter of: **Somnath Das @ Bapan Das & Ors.**

..... Petitioners

Mr. Amal Krishna Samanta, Advocate

.....for the Petitioners

Ms. Sayanti Santra, Advocate

..... for the State

Apprehending arrest in connection with Kolaghat Police Station Case No. 234 of 2020 dated 15.08.2020 under Sections 263/366/34 of the Indian Penal Code, the petitioners have filed the instant application for Anticipatory Bail.

The petitioners are the son and parents who have filed this application for anticipatory bail on the premise that they have no role to play in the alleged commission of an offence and have been falsely implicated at the behest of the mother of the victim girl.

The learned Advocate for the State opposes the prayer for anticipatory bail but invited our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

After perusing the statements of the victim girl we do not find any role which can be ascribed to the present petitioners in relation to the commission of the aforesaid offence. In view of the statement of the victim girl we do not think custodial interrogation of the petitioners is warranted.

As such, the prayer for anticipatory bail is **allowed**.

Accordingly, we direct that in the event of arrest, the petitioners, shall be released on bail upon furnishing a bond of Rs.10,000/- each

(Rupees Ten thousand only), with two sureties of Rs.5,000/- 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.

The application being **CRM 686 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)