

09.04.2021
Item No.252
Ct.No.28
dc.
Partly Allowed

C.R.M. 708 of 2021
(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Samrat Saha & Ors.**
... Petitioners.

Mr. P. K. Pakrashi,
Mr. A. K. Chatterjee
... For the Petitioners.

Mr. Imran Ali,
Mr. Mirza Firoj Ahmed Begg
... For the State.

Apprehending arrest in connection with Gopalnagar P.S. Case No. 677 of 2020 dated 22.12.2020 under Sections 498A/406/312/313/315/506/34 of the Indian Penal Code, the present application has been preferred.

The petitioners happen to be the husband, father-in-law and mother-in-law of the complainant. The learned advocate for the petitioners submits that the petitioners have already cooperated with the investigation and as such, they may be granted the relief as prayed.

The learned advocate for the State opposes the prayer and draws the attention of this Court to the medical report as well as the endorsement in the case diary that there was no co-operation and the petitioner no.1 did not respond to the notice issued under Section 41A of the Code of Criminal Procedure.

We have perused the case diary and on assessment of the same, we are of the opinion that the petitioner no.1 is not entitled to the relief of anticipatory bail as there are incriminating materials appearing against him. As such, prayer for anticipatory bail in respect of petitioner no.1, namely, **Samrat Saha**, is **rejected**.

So far as the petitioner Nos. 2 and 3, namely, Sahadeb Chandra Saha and Jharna Saha respectively are concerned, we are of the opinion that custodial detention of the said petitioners is not warranted.

Accordingly, we **allow** the application for anticipatory bail in respect of the petitioner Nos. 2 and 3 and direct that in the event of arrest, the petitioner Nos. 2 and 3, namely, **Sahadeb Chandra Saha** and **Jharna Saha** respectively, shall 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.

The application for anticipatory bail, being CRM 708 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)