

04.08.2021.
04.
As/Saswata
(Allowed)

**C.R.M. 1349 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Ausgram P.S. Case No.458 of 2020 dated 24.12.2020 under Sections 376/511/506/379/34 of the Indian Penal Code.

In the matter of : Sukumar Bauri & Anr.

... Petitioners.

Mr. Arun Sjaw.

.....for the Petitioners.

Mr. Navanil De.

.....for the State.

Apprehending arrest in connection with Ausgram P.S. Case No.458 of 2020 dated 24.12.2020 under Sections 376/511/506/379/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

According to the petitioners, the present case has been registered as counter-blast to the complaint lodged by the wife of the petitioner no.1 against the complainant herein.

The State opposes prayer for anticipatory bail and relies upon the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure.

After perusing the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure and the fact that the charge sheet had already been submitted, we do not think that custodial interrogation of the petitioners is necessary.

Accordingly, we direct that in the event of arrest the petitioners, viz., 1) Sukumar Bauri and Ganesh Bauri shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the arresting officer and on condition that they shall attend the trial court on every date of hearing until further orders and on further conditions as enshrined under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioners fail to do so without any justifiable cause, the trial court shall be at liberty to pass an appropriate in accordance with law without any further reference to this Court.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 1349 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)