

10.06.2021
tkm/ct 28
sl no. 7

**C.R.M. 1369 of 2021
(Through Video Conference)**

In Re : An application for anticipatory bail under section 438 of the
Code of Criminal Procedure in connection with Bolpur P.S case
no. 228 of 2020 dated 16.9.2020 under sections
498A/323/307/506/34 of the IPC

And

Allowed

In Re : Dalim Sk & Ors.

..... petitioners

Mr. Somnath Banerjee
Mr. P Roy

..... for the petitioners

Mr. S G Mukherjee, ld PP
Ms. Faria Hossain
Mr. Aniket Mitra

..... for the State

The application for anticipatory bail under section 438
Cr.P.C has been filed apprehending arrest in connection with
Bolpur P.S Case no. 228 of 2020 dated 16.9.2020 under sections
498A/323/307/506/34 of the IPC.

It is submitted on behalf of the petitioners that the
complainant eloped with another person immediately after the
incident and complainant's father had also complained against a
third party in which the petitioners have not been made co-
accused.

Counsel for the State produces case diary and opposes the
prayer for anticipatory bail.

However, considering the case diary it is found that there is
no injury report at all. Counsel for the State confirms that there is
no injury on the body of the complainant.

Under such circumstances, we are inclined to grant relief to
the petitioner nos. 2, 3 and 4.

Accordingly, we direct that in the event of arrest, the petitioner nos. 2, 3 and 4 viz Rakesh Sk, Dipmala Bibi and Akabi Bibi 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, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners while on bail shall not enter the jurisdiction of Bolpur P.S. until further orders except for the purpose of investigation and attending court proceeding and shall report to the concerned officer in charge within whose jurisdiction they shall reside while on bail once in a week until further orders and shall provide the address where they shall presently reside to the investigating officer as well as court below while on bail. The petitioners shall surrender their passport to the Investigating Officer and if they do not possess a passport shall submit an affidavit to that effect before the Investigating Officer.

In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this court.

The application being CRM 1369 of 2021 is disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)