

07.06.2021
tkm/ct 28
sl no. 32

C.R.M. 1500 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Santipur P.S case no. 594 of 2020 dated 8.12.2020 under sections 498A/325/326/307/34 of the IPC
And

Allowed

In Re : Tanmoy Chowdhury & Ors. petitioners

Ms. Minoti Gomes
Mr. P. S. Das

..... for the petitioners

Mr. Binoy Kr. Panda
Ms. Puspita Saha
Mr. Sandip Chakraborty

..... for the State

The application for anticipatory bail under section 438 Cr.P.C has been filed apprehending arrest in connection with Santipur P.S Case no. 594 of 2020 dated 8.12.2020 under sections 498A/325/326/307/34 of the IPC.

It appears from the FIR that the petitioners assaulted the victim brutally on 18th October 2020.

However it appears from the application that on 19th October 2020 the victim had filed an application under section 125 Cr.P.C before the appropriate court in the district of Nadia.

Counsel for the State places case diary which has shown the injury report of the victim mentioning the date of the incident as 20th October 2020.

Given the aforesaid inconsistencies in the time and date of occurrence, this court is of the view that the petitioners have made out a case for anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 20,000/- each with two sureties of like amount each, 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.

The petitioners shall appear before the Investigating Officer and hand over their passports if any, within a period of four weeks. In the event, the petitioners do not have any passport, they shall personally appear before Investigating Officer and furnish an affidavit to that effect.

In the event the petitioners fail to appear before the trial court or breaches any of the conditions, 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 1500 of 2021 is disposed of.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)