

16.12.2021

Court No.32
rpan / **532**

CRM 1629 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: **Pradip Dolai & Another**

- Petitioners

Mr. Goutam Banerjee,
Ms. Rimpay Mukherjee
... for the Petitioners.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Ms. Faria Hossain,
Mr. Aniket Mitra
... for the State.

Apprehending arrest in connection with Ramnagar Police Station Case No.2 of 2021 dated 02.01.2021 under Sections 363/365 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Banerjee, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. No overt act has been attributed to the petitioners. Upon completion of investigation charge sheet has also been submitted. In view thereof, custodial interrogation is not warranted.

Mr. Mitra, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the statement of the victim girl, who had already been recovered, as recorded under Section 164 of the Code and the medical report. Let the report, as produced, be kept on record.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when, upon completion of investigation, charge sheet has been filed and as there is no likelihood that they would flee from justice or delay the trial by abscondance.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **1. Pradip Dolai** and **2. Renu Dolai**, shall be released on bail upon furnishing two registered sureties of Rs.10,000/- each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioners shall attend the learned court below on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 1629 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.

(Sugato Majumdar, J.) (Tapabrata Chakraborty, J.)

