

05.02.2021
Court No.28
rpan /03

C.R.M. 1856 of 2020

(Via Video Conference)

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

And

In re: **Sikha Barui & Others**

- Petitioners

Mr. Angshuman Chakraborty,

Mr. S. S. Saha

... for the Petitioners.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Mr. Neguive Ahmed,

Ms. Amita Gaur

... for the State

Apprehending arrest in connection with ACGR No.6050 of 2019 arising out of Survey Park Police Station Case No. 235 of 2019 dated 19.12.2019 under sections 420/406/120B of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Chakraborty, learned advocate appearing for the petitioners submits that there has been compliance of the undertaking given by the petitioners and the subject-matter of dispute has been addressed to by the petitioners. The learned advocate submits that the petitioners are the permanent residents of the address indicated in the cause title and there is no chance of absconsion if the prayer so advanced before this Court is allowed. Mr. Chakraborty, learned advocate appearing for the petitioners submits written instructions. Let the same be kept with the record.

Mr. Ahmed, learned advocate appearing for the State submits a report of the Investigating Officer. Let the said report be kept with the record. Mr. Ahmed also submits that there has been compliance of the undertaking given by the petitioners before this Court.

Having regard to the changed circumstances, we are of the opinion that custodial detention of the petitioners may not be warranted. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Sikha Barui, Raju Barui and Riju Barui**, 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 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 No. 1856 of 2020, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)