

37.
04-08-2021
(ct. no.32)
Sayandeep
Allowed

(Via Video Conference)

CRM 2088 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur Police Station** Case No. **292 of 2015** dated **08.09.2015** under Sections **447/325/307/379/34** of the Indian Penal Code.

- A n d -

In the matter of : Tultuli Chowhan

.... Petitioner.

Ms. Jeenia Rudra
Mr. S. Dey

... For the Petitioners.

Mr. P.K. Dutta, Ld. APP
Mr. Santanu Deb Roy

... For the State.

The petitioner is one of the three accused persons. The other two accused persons have been granted bail by the Court below.

The allegation against the petitioner is of having inflicted injury on the husband of the de facto complainant and having taken money from him.

The State says that proclamation has been issued against the petitioner in the year 2018. This is a case of 2015. The petitioner is absconding.

We have seen the records. The warrant of arrest was issued on March 20, 2018. The proclamation was also issued on the same date. This is wholly irregular and in contravention of the law specified in Section 82 of the Code of Criminal Procedure. We cannot take note of such

proclamation. It is of no effect. Charge-sheet has also been filed.

Having considered the facts and circumstances of the case and the nature of allegations and also in view of the fact that the injury report does not disclose any serious injury, we are of the view that immediate custodial interrogation of the petitioner may not be necessary.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

The application for anticipatory bail being CRM 2088 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)