

29.09.2021
Item no.26.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 3057 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Ratua Police Station Case No.584 of 2020 Dated 05.12.2020 under Sections 448/324/325/308/506/34 of the Indian Penal Code

And

In the matter of : Royeda Bibi & Others

.....Petitioners.

Mr. Soupal Chatterjeefor the Petitioners.

Mr. Rana Mukherjee, Id. APP,
Mr. M.F.A. Begg,
Ms. Sukanya Bhattacharya,
Ms. Sujata Dasfor the State.

Learned Advocate for the petitioners submits that he has instructions not to press the application for anticipatory bail on behalf of the petitioner no.3 for the time being.

Accordingly, the application stands dismissed insofar as the petitioner no.3 is concerned.

The allegation against the other petitioners is of causing grievous bodily harm and attempt to commit the offence of culpable homicide insofar as the victim is concerned.

We have seen the material in the case diary including statements of witnesses. No specific overt-act has been attributed to the petitioners.

The petitioners also say that two co-accused persons standing on the same footing have been granted bail by this Court. This is not disputed by learned Advocate for the State.

In view of the above and considering the possible extent of complicity of the petitioner nos.1 and 2 in the alleged offence, we are of the view that their immediate custodial interrogation may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner nos.1 and 2, namely Royeda Bibi and Samsar Begam 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner nos.1 and 2 fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.3057 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

