

11.06.2021

(Sl. No. 72)

Ct. No. 28

(S. Banerjee/TB)

CRM 3763 of 2021

(through Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 21.05.2021 in connection with Balurghat Women Police Station Case No. 5 of 2020 dated 04.02.2020 under Sections 498A/307/376/511/506 of the Indian Penal Code, 1860 read with Section 3/4 of DP Act.

And

In the matter of: Rahul Agarwal

...petitioner

Mr. Atalanta Chakrabarti

... for the petitioner

Mr. Rana Mukherjee, APP
Mr. Narayan Prasad Agarwal
Mr. Pratick Bose

... for the State

Mr. Indrajit Roy Chowdhury

... for the de-facto complainant

Counsel for the petitioner submits that the allegations against the petitioner are omnibus in nature and that three of the petitioners have been granted anticipatory bail by this court and three others by the court below.

It is further submitted by the counsel for the petitioner that the petitioner is cooperating with the investigation.

Counsel for the de-facto complainant, however, submits that the other accused have violated conditions of bail ordered by this court. He has further submitted that there is an application for modification of conditions of bail already granted to the other persons.

Be that as it may, this court is of the view that since the petitioner is cooperating in the investigation, the petitioner is entitled to relief under Section 438 of the Code of Criminal Procedure.

Accordingly, in the event of arrest the petitioner shall be released on bail subject to satisfaction of conditions under Section 438(2) of the Code of Criminal Procedure and upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the investing officer, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the police station except for the purpose of the investigation and attending court proceedings and shall provide the address where he shall reside while on bail to the investigating officer as well as the court below and shall report to the officer in charge of the concerned police station within whose jurisdiction they shall reside once in a week until further orders. The petitioner shall surrender his passport to the investigating officer and if he does not possess a passport, shall submit an affidavit to that effect before the investigating officer.

In the event of arrest if the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail in accordance with law without further reference to this court.

The application for anticipatory bail is, thus, disposed of.

It further appears from the records that the District Legal Services Authority has issued notice to the petitioner for mediation of the family dispute. The petitioner unfortunately responded to the same. The petitioner is hereby directed to forthwith respond to the notice issued by the District Legal Services Authority in this regard.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

(Biswajit Basu, J.)