

01.10.2021
tkm/ct 29
sl no. 538

C.R.M. 4378 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Durgapur P.S Case no. 16 dated 30.3.2021 under sections 448/323/354B/376/511 of the IPC

And

Allowed

In Re : Tanushri Hembram Mandi & Ors. petitioners

Mr. Monish Sen
Ms. Oisani Mukherjee

..... for the petitioners

Mr. N P Agarwala
Mr. Pratick Bose

..... for the State

Petitioners seek anticipatory bail.

Learned advocate for the petitioners submits that the complaint by the de facto complainant is a counter-blast to an application under section 156(3) Cr.P.C filed by the first petitioner against the de facto complainant.

Learned advocate for the State opposes the prayer for anticipatory bail and draws attention of this Court to the statement recorded under section 164 Cr.P.C and to the medical report.

It appears from the case diary that the de facto complainant refused to medical examination.

Considering the statement recorded under section 164 Cr.P.C, the nature of allegations against the petitioners and the fact that the de facto complainant refused to medical test and considering the fact that the first petitioner lodged a complaint under section 156(3) Cr.P.C before the learned ACJM, Durgapur prior to the complaint being lodged by the de facto complainant, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount 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 and on further condition that the petitioner no. 3 while on bail, shall meet the investigating officer once in a fortnight until further orders. Petitioner no. 1 and 2 shall co-operate with investigation in accordance with law. Petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

The application being CRM 4378 of 2021 is disposed of.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)