

22.09.2021

43

Ct. No. 29

KAUSHIK

Allowed

C.R.M. 6222 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kakdwip** Police Station Case No. **69** of **2021** dated **07.03.2021** under Sections 448/323/354/506/34 of the Indian Penal Code, 1860.

And

In Re : Kashinath Paik & Anr.

..... petitioners

Mr. Gouranga Kumar Das
Mr. Sandip Kumar Mondal

.....for the petitioners

Mr. Sandip Chakraborty

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. He submits that, there are property disputes between the family of the de-facto complainant and the petitioner. Police submitted charge-sheet and, therefore, custodial interrogation of the petitioners are not required.

State is represented.

In answer to a query from the Court, learned advocate appearing for the State submits that, the victim girl did not

record her statement under Section 164 of the Code of Criminal Procedure and refused medical test.

Considering the materials in the case dairy and considering the fact that the victim girl did not record statement under Section 164 of the Code of Criminal Procedure and refused medical test and considering that charge-sheet has been submitted, we 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)

