

16.12.2021
Sl. No.105
akd
[PARTLY
ALLOWED]

C. R. M. 6611 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 29.09.2021 in connection with Mograhat Police Station Case No. 249 of 2021 dated 08.08.2021 under Sections 341/326/307/34 of the Indian Penal Code.

And

In Re: ***Purabi Dutta & Ors.***

... .. Petitioners

Mr. Mrinal Kanti Mukherjee

... .. for the petitioners

Mr. Prasun Kr. Datta

Mr. Santanu Deb Roy

... .. for the State

We are informed that the petitioner no.4 has been arrested in the meantime.

Hence, the prayer for anticipatory bail in respect of petitioner no.4 namely, **(4) Barun Dutta** is dismissed as not pressed.

It is submitted on behalf of the petitioners that the victim had outraged the modesty of petitioner no.1 and they had been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Victim suffered severe injuries including fracture. Names of petitioner nos. 3 & 5 appear as the assailants in the medical papers. Hence, we are not inclined to grant anticipatory bail to them.

Accordingly, the prayer for anticipatory bail of the accused/petitioner nos.3 & 5 namely, **(3) Arijit Dutta & (5) Arun Dutta** is rejected.

However, keeping in mind the extent of complicity of the petitioner nos.1, 2 & 6 in the alleged crime and as the possibility of their false implication cannot be wholly ruled out in the light of the aforesaid submissions made on behalf of them, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest, the accused/petitioner nos.1, 2 & 6 namely **(1) Purabi Dutta, (2) Bishaka Dutta & (6) Gour Mondal**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) 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 nos.1, 2 & 6 shall appear before the court below and pray for regular bail within four weeks from date.

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

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)