

26.10.2021
Court No.08
SL No. 09
Sdas/AJ

Allowed

CRM 6836 2021
(Via video conferencing)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Howrah P.S. Case No. 253 of 2021 dated 15.09.2021 under Sections 341/323/325/354/506/34 of the Indian Penal Code.

In the matter of : Sumitra Bhattacharya & Ors.
.....Petitioners.

Ms. Oindrila Ghosh.
...for the Petitioners.
Mr. Swapan Kumar Banerjee,
Mr. Goutam Wilson.
...for the State.

Heard the learned lawyer for the petitioners as well as the learned lawyer for the State.

We have perused the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, the injury report and the statements of the witnesses.

It appears from the statements of the witnesses that there was a tussle with the victim. All the statements excepting the statement of the victim girl are silent about outraging the modesty of the victim girl. Medical report shows simple injury caused by physical assault. The present petitioners were served with notice under Section 41A of the Code of Criminal Procedure which were complied with by the petitioners, except petitioner no. 3.

However, on perusal of case diary and other materials, we are inclined to allow anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and on further conditions that the petitioners shall co-operate with investigation, shall not tamper with evidence or hamper the investigation in any manner whatsoever.

The application for anticipatory bail is, thus, allowed.

(Sugato Majumdar, J.)

(Shekhar B. Saraf, J.)