

11.02.2021
Court No.28
Item No. 119
Krishnendu
ALLOWED

C.R.M. 7967 of 2020

(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Raju Mallick & Ors.**

.....Petitioners

Mr. Sankar Nath Mukherjee

Mr. Priyabrata Saha

....For the Petitioners

Ms. Sukanya Bhattacharya

Md. Kutubuddin

.....For the State

Apprehending arrest in connection with Ghola Police Station Case No. 428 of 2020 dated 22.09.2020 under sections 498(A)/341/342/506/34 of the Indian Penal, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioners are the husband, brothers-in-law, sisters-in-law and nephew of the informant. The learned advocate further submits that the marriage was solemnized ten years prior to the incident and the present petitioners have been falsely implicated in the case out of trivial family dispute.

The learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the victim and her daughter were recovered from a different location.

We have perused the case diary along with the statements of the witnesses. Having regard to the fact that the marriage was solemnized more than ten years prior to the

initiation of the present case, we are of the opinion that custodial detention of the petitioners may not be warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Raju Mallick, Ansar Mallick, Rafique Mallick Sufia Bibi, Sanu Bibi and Pappu Mallick**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and a further condition that the petitioners shall appear before the learned Trial Court on each and every date so specified. In case they create any obstruction in the smooth progress of the trial, the learned Trial Court would be at liberty to cancel their bail without any further reference to this Court.

The application for anticipatory bail, being CRM No. 7967 of 2020, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)
Chakraborty, J.)

(Tapabrata

