

18.02.2021
Court No.28
Item No. 144
Krishnendu
Allowed

**C.R.M. 8444 of 2020
(Via Video Conference)**

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

And

In Re : **Sandip Modak & Anr.**

....Petitioners.

Mr. Atis Kumar Biswas
Mr. Amit Singh

....for the Petitioners.

Mr. Imran Ali
Mr. Mirza Firoz Ahmed Begg

... for the State.

Apprehending arrest in connection with Tehatta P. S. Case
No. 397 of 2020 dated 19.09.2020 under Sections
376/417/506/120 of the Indian Penal Code, the petitioners
have filed the present application.

The learned advocate for the petitioners submits that
the petitioner no. 1 is the son-in-law and the petitioner no. 2 is
the daughter of one Bidesh Halder, who has also been made
accused by the complainant for the alleged offences. The
learned advocate further submits that the petitioners are
innocent of the charges and there are no specific role
attributed by them towards the commission of the alleged
offences and as such they may be granted the privilege of
anticipatory bail.

Mr. Begg, learned advocate appearing for the State draws the attention of this Court to the statement of the victim recorded under section 164 of the Code of Criminal Procedure.

We have assessed the materials appearing in the case diary along with the statement of the victim recorded under section 164 of the Code of Criminal Procedure. Having regard to the complicity of the present petitioners, as revealed in the statement of the victim recorded under section 164 of the Code of Criminal Procedure, we are of the opinion that custodial detention of the petitioners are unwarranted in this case. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest the petitioners, viz. 1. **Sandip Modak** and 2. **Asha Modak**, 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.

The application for anticipatory bail, being CRM 8444 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.)

(Tapabrata Chakraborty, J.)