

03.08.2021

Court No.30

rpan /07

C.R.M. 8692 of 2020

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

And

In Re : **Sri Sisir Pakhira and 2 Others**

- Petitioners.

Mr. Brajesh Jha (through v.c.),

Mr. Ravi Ranjan Kumar

... for the petitioners.

Mr. Imran Ali,

Mr. Mirza Firoj Ahmed Begg

... for the State.

Apprehending arrest in connection with Uttarpara Police Station Case No.281 of 2020 dated 16.09.2020 under Sections 498A/406/325/328/307/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Jha learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The allegations levelled against them are omnibus in nature. The petitioner no.2 and the petitioner no.3 were not sharing the same mess with the petitioner no.1 and the victim lady. In the said conspectus, custodial interrogation of the petitioners is not necessary.

Mr. Begg, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary, including the statements of the victim lady's children, as recorded under Section 161 of the Code of Criminal Procedure and the injury report.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, no overt act has been attributed to the petitioner nos. 2 and 3. Considering the nature of allegations and the extent of complicity of the petitioner nos.2 and 3 in the alleged offence, we are of the opinion that custodial interrogation of the petitioner nos.2 and 3 is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioner nos.2 and 3, namely, **Smt. Padma Pakhira** and **Sri Rajesh Pakhira** respectively shall be released on bail upon furnishing a bond of ₹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 on a further condition that the petitioner no.3 shall meet with the Investigating Officer of the case once in a week on and from 16th August, 2021 until further orders.

However, *prima facie*, there are materials which clearly reveal the direct involvement of the petitioner no.1 in the alleged offence. In view thereof, the prayer for anticipatory bail of the petitioner no.1, namely, **Sri Sisir Pakhira** is rejected.

With the above directions, the application for anticipatory bail, being CRM No.8692 of 2020 is partly allowed.

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

(Subhasis Dasgupta, J.)

(Tapabrata Chakraborty, J.)