

04.02.2021

Item No.95

Ct.No.28

s.d.

Allowed

C.R.M. 9227 of 2020

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In the matter of : Pampa Nandi & Anr.

.....petitioners.

Mr. Dipankar Aditya

Mr. Pinaki Bhattacharya

... For the petitioners.

Mr. Binoy Kumar Panda

Ms. Puspita Saha

... For the State.

Apprehending arrest in connection with Burdwan Police Station Case No. 1034 of 2019 dated 21.12.2019 under Sections 363/365/368/120B/34 of the Indian Penal Code, the present application has been filed.

Mr. Aditya, learned advocate appearing for the petitioners submits that the petitioners herein have been falsely implicated in the present criminal proceedings about 40 days after the alleged incident. On the basis of an order passed under Section 156(3) of the Code of Criminal Procedure, the complaint was treated as an F. I. R. No overt act has been attributed to the petitioners and the principal accused has already been granted anticipatory bail by a co-ordinate Bench of this court.

Mr. Panda, learned advocate appearing for the State opposes the petitioners' prayer and draws the attention of this Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

Having heard the learned advocates and considering the materials on record in the case diary and since the principal accused has already been granted anticipatory bail, we are of the opinion that custodial detention of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 9227 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.)

