

04.02.2021
Item no.102
Court No.28
Avijit Mitra

C.R.M. 10493 of 2020 (through video conference)

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

And

In Re : Dinesh Gorain & ors.

.... petitioners

Mr. Soumik Ganguli,
Mr. Avik Das,
Mr. Dilip Kumar Sadhu

....for the petitioners

Mr. N.P. Agarwala,
Mr. Ashok Das

..... for the State

Apprehending arrest in connection with Joypur Police Station Case No.105 of 2020 dated 08.09.2020 under Sections 363/365 of the Indian Penal Code the present application has been preferred.

Mr. Ganguli, learned advocate appearing for the petitioners submits that petitioner no.1 is the brother-in-law, petitioner no.2 is the grandfather and the petitioner no.3 is the aunt of the accused Brindaban Gorai. They have been falsely implicated. No overt act has been attributed to the said petitioners and as such custodial detention of the petitioners is not necessary.

Learned advocate appearing for the State opposes the petitioners' prayer.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations, the extent

of the complicity of the petitioners in the alleged offence and since the victim girl has also been recovered, we are of the opinion that custodial detention of the petitioners no. 1, 2 and 3, is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners no. 1, 2 and 3 namely Dinesh Gorain, Nebu Gorai and Bela Gorai 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 C.R.M. 10493 of 2020, so far as the petitioner nos. 1, 2 and 3 are concerned, is disposed of.

As the petitioner no.4 has already been arrested, the application so far as the said petitioner is concerned has become infructuous and is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

