

25.03.2021

CRM 11079 of 2020

Court No.02
Item No.150
(ALLOWED)

akd

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 21.12.2020 in connection with Dhantala Police Station Case No. 501 of 2020, dated 01.12.2020 under Sections 376/120B/323/506/34 of the Indian Penal Code.

And

In the matter of : **Saikat Biswas & Anr.**

...Petitioners

**Mr. Shataroop Purkayastha,
Mr. Hamidur Rahaman.**

...For the Petitioners

**Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Madhusudan Sur,
Mr. Subrato Roy,
Mr. Dipankar Pramanick.**

...For the State.

Apprehending arrest in connection with Dhantala Police Station Case No. 501 of 2020 under Sections 376/120B/323/506/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

It is submitted by the learned Advocate appearing for the petitioners that they have been falsely implicated in the instant case. It is further submitted that the petitioner no. 1 had an extramarital relationship with the victim lady, who claimed that the child aged about five years is born out of the said relationship. Subsequently she lodged a complaint and the instant case has been initiated against the petitioners despite the petitioner no. 2 being the mother of the petitioner no. 1.

On the other hand, the learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the complaint was lodged by the victim lady alleging the offence to have been committed on her and, therefore, the prayer for anticipatory bail should be rejected.

After hearing the submissions so advanced by the respective parties and perusing the materials available in the case diary, more particularly the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure, we do not think that the custodial interrogation of the petitioners is required. Accordingly, we

are inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners, *Saikat Biswas* and *Pata Biswas*, shall be released on bail on 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 of the concerned police station with condition that the petitioner no. 1 shall meet the Investigating Officer once in a week until the filing of charge sheet and so far as the petitioner no. 2 is concerned, she shall make herself personally available as and when required by the Investigating Officer except on a justifiable ground and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail, being CRM 11079 of 2020, is thus **allowed**.

(Harish Tandon, J)

(Abhijit Gangopadhyay, J.)