

07.04.2021.

39.

as

(Allowed).

C.R.M. 11278 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Women All P.S. Case No.68 of 2020 dated 26.07.2020 under Sections 354/341/323/506/34 of the Indian Penal Code.

In the matter of : Rajib Patra @ Sitaram Patra & Ors.
... Petitioners.

Mr. Banibrata Datta.

...for the Petitioners.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.

.....for the State.

Apprehending arrest in connection with Women All P.S. Case No.68 of 2020 dated 26.07.2020 under Sections 354/341/323/506/34 of the Indian Penal Code petitioners have filed the instant application for anticipatory bail.

Learned Advocate appearing for the petitioners submits that there were disputes so far as the present petitioners and the de-facto complainant is concerned. Additionally, he submits that the allegations made before the concerned Police authorities is in relation to civil dispute and the provision of criminal law have been arbitrarily invoked.

Learned Advocate appearing for the State produces the case diary and draws the attention of this Court to the statement of the witnesses along with the injury report.

We have perused the materials in the case diary more particularly the statements of the witnesses as also the injury report and appraisal of the same, we are of the opinion that custodial detention of the petitioners may not be warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one must be local subject to the satisfaction of the arresting officer with further condition that the petitioners shall meet the Investigating Officer once in a week until further orders. Apart from the aforesaid conditions, the further conditions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973 shall also apply.

This application for anticipatory bail is, thus, allowed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)