

27.01.2021
Sl. No.11
AP/ss

CRM 102 of 2021
(Through Video Conference)

Ranjan Debnath & Ors.

... Petitioners.

Vs.

The State of West Bengal

... Respondent.

Mr. Hillol Saha Podder, Advocate

...for the petitioners present in Court.

M/s Ujjwal luksom and

Sourav Ganguly, Advocates

...for the respondent present in Court.

The present application has been filed by the petitioners seeking pre arrest bail in Samuktala Police Station Case No.250 of 2020 dated 16.11.2020 registered under Sections 447/325/326/354/436/379/506/34 of the Indian Penal Code.

The learned counsel for the petitioners submitted that no specific allegation has been leveled against the petitioners in the complaint filed to the police. There may be some disputes between Rupali Bhowmick and Shyamal Talukder, who are neighbours. There is a civil suit pending in the Court regarding demarcation of their plots, where they have constructed their houses. On the date of incident, some scuffle took place between them. The petitioners being in the same locality had gone to the spot to stop the fight and they have been falsely implicated.

On the other hand, learned counsel for the respondent submitted that there are specific allegations against the petitioner No.1 as he outraged the modesty of the minor daughter of the

complainant. Regarding petitioner Nos.2 and 3, there are no specific allegations against them.

Heard learned counsels for the parties and perused the case diary produced before this Court.

As far as the petitioner Nos.2 and 3 are concerned, undisputedly there are no specific allegations against them in the complaint made to the police.

As far as petitioner No.1 is concerned, he claims to be a resident of the same locality where the main parties to the dispute namely Rupali Bhowmick, complainant and Shyamal Talukder are residing. There is civil dispute pending between them regarding demarcation of the plots on which they have constructed their houses. The allegation against the petitioner No.1 is that he tried to outrage the modesty of the minor daughter of the complainant. For medical examination, the daughter of the complainant appeared before the doctor immediately after the incident. It was not specifically stated by her at that time as to which part of the body was touched by the petitioner No.1 to make out a case under Section 354 of the IPC. The statement was general stating that she was hit on her forehead and she was pushed with hair. She complained of swelling in both forearms. The doctor opined that there was no bleeding as such.

Considering the aforesaid factual matrix, we find it to be a fit case for grant pre arrest bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing of bail bonds to

the satisfaction of the arresting officer. The petitioners shall be bound by the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The present petition is disposed of accordingly.

(Rajesh Bindal, J.)

(Saugata Bhattacharyya, J.)