

28.01.2022

Court No.32
rpan/34

C.R.M. (A) 32 of 2022

[Through Video Conferencing]

In Re:- An application for **anticipatory bail under section 438** of the Code of Criminal Procedure filed in connection with Santipur Police Station Case No.938 of 2021 dated 08.11.2021 under Sections 363/365/34 of the Indian Penal Code, 1860;

And

In re: **Lakshmi Halder @ Lakshmikanta Haldar & 2 Others**
- Petitioners

Ms. Sananda Bhattacharyya
... for the Petitioners.

Mr. Sudip Kumar
... for the State.

On the prayer of Ms. Bhattacharyya, learned advocate appearing for the petitioners, the present application, so far as the petitioner no.2 is concerned, is dismissed as not pressed.

Ms. Bhattacharyya submits that the petitioners have been falsely implicated. The petitioner no.1 is the father and the petitioner no.3 is the grandfather of the petitioner no.2. They are aged persons and had no involvement in the alleged offence.

Mr. Kumar, learned advocate, enters appearance on behalf of the State and submits that the victim girl had been recovered and draws our attention to her statement, as recorded under Section 164 of the Code.

It appears that the petitioner nos.1 and 3 are aged persons and *prima facie*, there is no possibility that they would flee from justice or delay the trial by abscondence. Considering the nature of accusations and the extent of complicity of the said

petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not warranted. In view thereof, their prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner nos.1 and 3 namely, **Lakshmi Halder @ Lakshmikanta Halder** and **Badal Halder** shall be released on bail upon 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that they shall cooperate with the investigation.

It is further directed that the petitioner nos. 1 and 3 shall attend the learned trial court on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

It is made clear that in the event the petitioner nos.1 and 3 fail to comply with the aforesaid directions, without any justifiable cause, the learned trial court shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 32 of 2022 is partly allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)