

04.02.2022

Court No.32
rpan / **27**

C.R.M. (A) 149 of 2022

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

And

In re: **Kartick Sharma & 2 Others**

- Petitioners.

Mr. Prabir Majumder

... for the Petitioners.

Md. Anwar Hossain,

Ms. Benajir Hasna

... for the State.

Apprehending arrest in connection with Krishnaganj
Police Station Case No.314 of 2021 dated 25.12.2021 under
Sections 376/417/313/506 of the Indian Penal Code, the
petitioners have filed the present application.

Mr. Majumder, learned advocate appearing for the
petitioners submits that the petitioner no.1 is the father, the
petitioner no.2 is the mother and the petitioner no.3 is the uncle
of the principal accused. The ingredients of Section 376 of the
Indian Penal Code, 1860 are not attracted against the
petitioners herein. The principal accused had a consensual
relationship with the victim and in the said conspectus,
custodial interrogation of the petitioners may not be necessary.

Mr. Hossain, learned advocate appearing for the State
opposes the petitioners' prayer and draws our attention to the
statements of the witnesses as recorded under Section 161 of
the Code. Answering our query, he submits that no statement
of any witness was recorded under Section 164 of the Code and

the victim also refused medical examination. However, investigation is still continuing.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary. In view thereof, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Kartick Sharma, Sangarika Sharma** and **Tarak Sharma** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of like amount each, 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 the petitioners shall cooperate with investigation and the petitioner no. 3 shall meet with the Investigating Officer of the case once a fortnight till investigation is complete.

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

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below 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) 149 of 2022 is, thus, disposed of.

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.)