

07.03.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M. (A) 1083 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **475** of **2020** dated **08.06.2020** under Sections 498A/323/325/307/506/34 of the Indian Penal Code, 1860.

And

In Re : Santi Harijan & Ors.

..... petitioners

Mr. Sagar Saha

....for the petitioners

Mr. Bidyut Kumar Roy

Ms. Rita Dutta

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police complaint was lodged 21 years after marriage. The petitioners were falsely implicated. The petitioner nos. 3, 4 and 6 reside at a different location.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary including the statement of the son of the victim recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.) and to the injury report.

In his statement, the son of the victim implicates the husband of the victim and the sister of the husband, being the petitioner no. 1 herein.

Considering the materials in the case diary, the gravity of the offence and the involvement of the petitioners therein, we are unable to grant anticipatory bail to the petitioner no. 1 (Santi Harijan). We, however, grant anticipatory bail to the petitioner nos. 2 to 6 namely, Samir Harijan, Ramnath Bansfore, Rita Bansfore @ Rita Banfore, Bindia Harijan @ Bindiya Bhakat and Sandhya Harijan @ Sanja Harijan respectively.

Accordingly, we direct that in the event of arrest the petitioner Nos. 2, 3, 4, 5 and 6 shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 2 and 3 shall meet with the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner nos. 4 to 6 will cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioners shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)