

24.02.2022

Court No.32
rpan/ **221**

C.R.M. 7437 of 2021

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

And

In re: **Santosh Dhank & 3 Others**

- Petitioners.

Mr. Soumik Ganguli

... for the Petitioners.

Mr. Imran Ali,

Ms. Sutapa Banerjee

... for the State.

Apprehending arrest in connection with Kotulpur Police
Station Case No.219 of 2021 dated 22.10.2021 under Sections
376/417/506/34 of the Indian Penal Code, 1860, the petitioners
have filed the present application.

Mr. Ganguli, learned advocate appearing for the petitioners
submits that the petitioners are the relatives of the victim. They
have no involvement in the alleged offence and have been falsely
implicated. The principal accused, namely, Jayanta Dhank had a
consensual relationship with the victim. In the said conspectus,
custodial interrogation may not be necessary.

Ms. Banerjee, learned advocate appearing for the State
opposes the petitioners' prayer and draws our attention to the
statements of the witnesses as well as the medical report.

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 their custodial interrogation is not necessary. As such, their prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Santosh Dhank, Sushanta Dhank, Sweta Malik @ Dhank** and **Bishnu Pandit** 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.

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 7437 of 2021 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.)