

CRM 7681 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Kalipada Chain & Ors.**

..... petitioners

Mr. Somnath Adhikary

.....For the petitioners

Ms. Sujata Das

.....For the State

Apprehending arrest in connection with Egra Police Station Case No. 485/2021 dated 26.10.2021 under Sections 120B/363/366 of the Indian Penal Code, the instant application for anticipatory bail is filed.

Mr. Adhikary, learned advocate appearing for the petitioners submits that the petitioners are the distant relatives of the principal accused, namely, Gora Chand Das. No overt act has been attributed to them and the victim girl has already been recovered. In the said conspectus, custodial interrogation is not warranted.

Ms. Das, learned advocate appearing for the State opposes the petitioners' prayer and answering in a query of this Court, she submits that the victim girl has already been recovered and her statement under Section 164 of the Code has been recorded. She has drawn our attention to the said statement and other documents in the case diary.

Having heard learned advocates for the respective parties and considering the materials in the case diary including the statement of the victim girl as recorded under Section 164 of the Code, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Kalipada Chain, Bishnupada Chain @ Bisnupada Chain** and **Abhimanyu Chain** 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 further condition that the petitioners shall cooperate with the investigation.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

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 7681 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.)