

22.08.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 3991 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ranaghat Women** Police Station Case No. **92** of **2022** dated **03.08.2022** under Sections 498(A)/406/323/307/506/34 of the Indian Penal Code, 1860.

And

In Re : Dwigendra Narayan Dutta & Ors.

..... petitioners

Mr. Soumyajit Basu Roychowdhury

....for the petitioners

Mr. Sujan Chatterjee

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the 5th petitioner was arrested.

In such circumstances, CRM(A) 3991 of 2022 is dismissed as non-maintainable so far as the petitioner no. 5 (Rejoy Dutta) is concerned.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, the statement of the neighbours implicates the petitioners. In his usual fairness he, however, submits that the sixth petitioner is the villager and that the seventh petitioner is the aunt-in-law of the de-facto complainant.

Case diary contains incriminating materials as against the first to fourth petitioners. Consequently, we are unable to grant anticipatory bail to the petitioner nos. 1 (Dwigendra Narayan Dutta), 2 (Malina Dutta), 3 (Debasis Dutta) and 4 (Rimjhim Dutta @ Jharna Mondal).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner nos. 1, 2, 3 and 4 are concerned.

Considering the status of the sixth and seventh petitioners and the materials in the case diary, we grant anticipatory bail to the petitioner nos. 6 (Sujit Kumar Ghosh) and 7 (Saraswati Choudhury).

Accordingly, we direct that in the event of arrest the petitioner nos. 6 and 7 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 no. 7 shall cooperate the Investigating Officer till the conclusion of the investigation and petitioner no. 6 shall meet the Investigating Officer as and when called for till the conclusion of the investigation and on condition that the petitioner nos. 6 and 7 shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner nos. 6

and 7 in Court including cancelling the anticipatory bail granted without further reference to this Court.

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

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)