

25.01.2022
Item no. 37
Court No.32
Avijit Mitra

C.R.M. 8822 of 2021 (Through Video Conferencing)

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

And

In Re : Sujan Das & ors.

.... petitioners

Mr. Shibaji Kumar Das

....for the petitioners

Mr. Arijit Ganguly,

Mr. Sanjib Kumar Dan

..... for the State

Apprehending arrest in connection with Chakdah Police Station Case No.617 of 2021 dated 26th October, 2021 under Sections 363/365/34 of the Indian Penal Code, the present application has been preferred.

Mr. Das, learned advocate appearing for the petitioners submits that the petitioners were arraigned in an earlier criminal proceeding initiated by the victim lady. In the said proceeding the petitioners have already been granted anticipatory bail. After she was recovered in the said proceeding, she again voluntarily left her residence and accompanied the petitioner no.1 and their relationship is consensual in nature.

Such fact has not been disputed by Mr. Dan, learned advocate appearing for the State. He, however, draws our attention to the statement of the victim, as recorded under Section 164 of the Code.

Heard the learned advocates appearing for the respective parties.

Prima facie, from the statement of the victim lady, as recorded under Section 164 of the Code it appears that she willingly left her residence and accompanied the petitioner no.1. It appears that the relationship between the petitioner no.1 and the victim lady was consensual in nature. No specific overt act has been attributed to the other family members and upon completion of investigation chargesheet has been submitted. As such, custodial interrogation of the petitioners is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Sujan Das, Swapna Das, Suman Das, Anjan Das and Ashis Das**, 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.

The petitioners shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioners shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.8822 of 2021 is allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Kesang Doma Bhutia, J.) (Tapabrata Chakraborty, J.)