

16.03.2022

Item no.04
Court No.32
Avijit Mitra

C.R.M. No. 8973 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Hanskhali Police Station Case No.831 of 2021 dated December 14, 2021 under Sections 363/365/34 of the Indian Penal Code;
And

In Re : Tapan Kirtaniya & anr.

.... petitioners

Ms. Sananda Bhattacharyya

....for the petitioners

Mr. Arijit Ganguly,

Mr. Sanjib Kumar Dan

..... for the State

Ms. Bhattacharyya, Learned Advocate appearing for the Petitioners submitted that the present Petitioners namely, the mother and the maternal uncle of the principal accused are no way connected with the alleged offence. Custodial interrogation of them is not necessary. Therefore, they may be allowed anticipatory bail.

Mr. Ganguly, the learned advocate appearing for the State opposed the anticipatory bail on the ground that the victim is yet to be recovered and the principal accused is absconding.

We have heard the rival submissions of the parties and perused the case diary. Investigation is still pending. The statements of the witnesses indicate complicity of the present petitioners in the alleged offence. Victim has not been recovered and the principal accused is absconding. Therefore, we are not inclined to allow the anticipatory bail and the same is refused.

Accordingly, the application for anticipatory bail being C.R.M.8973 of 2021 is dismissed.

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.)