

08.12.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5714 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **1069** of **2022** dated **29.11.2022** under Sections 448/323/325/307/354/379/506/34 of the Indian Penal Code, 1860.

And

In Re : Pradip Sarkar & Ors.

..... petitioners

Mr. Asraf Mondal

....for the petitioners

Ms. Zareen N. Khan

Mr. Srup Sarkar

....for the State

Apparently, no persons suffered injury although there was an altercation.

The alleged outraging of modesty took place in presence of number of persons.

The materials in the case diary does not suggest need for custodial interrogation of the petitioners. Police complaint being lodged due to prior enmity cannot be ruled out.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners 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 nos. 1 (Pradip Sarkar), 3 (Nepal Sarkar) and 4 (Gopal Sarkar) shall meet the Investigating Officer once a month till the conclusion of the investigation and petitioner no. 2 (Sandhya Sarkar) shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)