

12.05.2022
Item no.13
Court No.01
Avijit Mitra

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 259 of 2022

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

And

In Re : Rathin @ Ratin Sen & ors.

.... petitioners

Ms. Suman Sehanabis

....for the petitioners

Mr. Aditi Shankar Chakraborty,

Mr. Nilay Chakraborty,

Mr. Biswarup Roy

..... for the State

Apprehending arrest in connection with Ghoksadanga Police Station Case No.107 of 2022 dated 15.03.2022 under Sections 448/341/326/307 and 34 of the Indian Penal Code, the present application has been preferred.

Ms. Sehanabis, learned advocate appearing for the petitioners submits that there was a hot altercation between the parties. The victim was in an inebriated condition. There had been a case and counter-case between the parties. No specific overt act has been attributed to the petitioners and in view thereof, their custodial interrogation may not be necessary. The petitioner nos. 6 to 9 are all female family members and as such, there is hardly any possibility that they would flee from justice.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to

the statement of the wife of the injured as recorded under Section 164 of the Code together with the statement of the other witnesses as recorded under Section 161 of the Code as well as the medical examination report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations, the manner in which the offence has taken place and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Rathin @ Ratin Sen, Rabindra Sen @ Rabindro Sen, Ranjit Sen, Sanjit Sen @ Babu Sen, Bijay Sen, Sandhya Sen, Mala Sen (Biswas), Alladi Sen and Madhumala Sen** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 a further condition that the petitioners no.1 to 5 shall meet the Investigating Officer of the case once a week till investigation is complete and they shall also attend the learned Court below on all the dates as specified for hearing.

It is further directed that the petitioners shall not tamper with the evidence or intimidate the witnesses.

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 petitioners' bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail CRM (A) 259 of 2022 is disposed of.

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

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)