

05.04.2023

21

Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 1440 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nischinda** Police Station Case No. **277** of **2022** dated **22.11.2022** under Sections 323/379/306/506/34 of the Indian Penal Code, 1860.

And

In Re : Priya Roy (Dutta) & Ors.

..... petitioners

Mr. Amal Krishna Samanta

....for the petitioners

Mr. Joydeep Roy

Mr. Amanul Islam

....for the State

The first petitioner (Priya Roy (Dutta) stands implicated in the offences alleged.

There are statements of neighbours recorded under Section 161 of the Code of Criminal Procedure implicating the first petitioner.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no. 1.

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 1 is concerned.

So far as the petitioner nos. 2 (Malati Roy), 3 (Pinke Raul (Roy) @ Pinki Roy (Paul) @ Piyali (Paul) Roy) and 4 (Mangal Paul)

are concerned, we grant anticipatory bail to the petitioner nos. 2, 3 and 4.

Accordingly, we direct that in the event of arrest the petitioner nos. 2, 3 and 4 shall be released on bail upon furnishing a bond of Rs.10,000/-, 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. 4 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner nos. 2 and 3 shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner nos. 2, 3 and 4 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. 2, 3 and 4 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.)

(Md. Shabbar Rashidi, J.)

