

14.
27-12-2023
(ct. no.08)
KOLE/PB
Allowed

CRM (A) 5744 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Basirhat Police Station** FIR No. **862 of 2023** dated **15.12.2023** under Sections **323/325/341/354/506/34** of the Indian Penal Code.

- A n d -

In the matter of : Moumita Dutta Dey & Anr.

.... Petitioners.

Mr. Debayan Sen,
Mr. S. Chakraborty,

... For the Petitioners.

Mr. Swapan Banerjee,
Mrs. Purnima Ghosal,

... For the State.

The Learned Counsel for the petitioners submits that the FIR was lodged in course of a family dispute over property. No offence had been committed by any of the petitioners and the petitioner should be released on bail.

The learned Counsel has further pointed out that the petitioner no. 1 is a patient of carcinoma and had undergone an operation. The petitioner no. 1 is her daughter. They have complied with the direction in the notice under Section 41A of the Code of Criminal Procedure. There is no chance of their absconsion. They may be granted anticipatory bail.

Learned Counsel for the State has raised objection and has further stated that the investigation is at its nascent stage. He opposes the prayer for anticipatory bail.

Perused the case diary and other materials on record. It appears that the petitioner no. 1 is a patient of carcinoma and the petitioner no. 1 is her daughter. We are told that they are

cooperating with the investigating agency. Moreover, both the accused are females. There is no need for custodial interrogation of the present petitioners and as such we are inclined to allow the prayer for anticipatory bail on the following condition.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 5,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders. They will cooperate with the investigating agency as and when required.

The application of anticipatory bail being CRM (A) 5744 of 2023 is, thus, allowed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Apurba Sinha Ray, J.)

(Shampa Sarkar, J.)