

08.01.2024
Item No.40
Ct. No. 29
CHC
Partly Allowed

C.R.M.(A) 28 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chakdah** Police Station Case No. **901** of **2023** dated **22.12.2023** under Sections **498A/323/325/302/306/120(B)/34** of the Indian Penal Code, 1860.

And

In the matter of : Nilkanta Sarkar & ors.

..... petitioners

Mr. Shibaji Kumar Das,
Mr. Dipendu Sarkar,
Ms. Sabana Khatun
....for the petitioners

Ms. Subhasree Patel
....for the State

Petitioners pray for anticipatory bail.

The son of the victim recorded a statement under Section 164 of the Criminal Procedure Code implicating all the petitioner nos.1 to 8 in the torture being meted out as against the victim over a period of time.

Learned advocate appearing for the petitioners submits that, some of the petitioners are sisters-in-law of the victim. They are married and live elsewhere. The police complaint was lodged 16 years after marriage.

The statement of the son of the victim cannot be overlooked. He implicates all the petitioners before us except petitioner no.9.

In such circumstances, we are unable to grant anticipatory bail to the petitioner nos.1 to 8. However, considering the statement of the son of the victim we enlarge the petitioner no.9, namely, Rohit Sen on anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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.9, namely, Rohit Sen will report before the Investigating Officer once in a month till the conclusion of investigation and on further condition that the petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 28 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)