

19.03.2024
Item Nos.18 & 23
Ct. No. 29
CHC
Allowed

C.R.M.(A) 937 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dantan** Police Station Case No. **375** of **2023** dated **21.12.2023** under Sections **498A/323/354/376/34** of the Indian Penal Code.
And

In the matter of : Chaitanya Ghorai
..... petitioner

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Iqbal Kabir
....for the State

with
C.R.M.(A) 943 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raniganj** Police Station Case No. **375** of **2023** dated **21.12.2023** under Sections **498A/323/354/376/34** of the Indian Penal Code now pending before the **Learned Additional Chief Judicial Magistrate, Datan.**

And

In the matter of : Rinki Ghorai @ Anuradha Ghorai & ors.
..... petitioners

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
....for the petitioners

Mr. Mainak Gupta
....for the State

Two application for grant of anticipatory bail are taken up together analogously as they emanate out of the same police case.

None appears for the de facto complainant despite service.

Affidavit-of-service filed in Court filed in Court be taken on record.

Statement of the victim recorded under Section 164 of the Criminal Procedure Code does not suggest rape as claimed in the police complaint.

There is an issue of delay in lodgment of the First Information Report. Moreover, there is a proceeding for restitution of conjugal rights pending.

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/- (Rupees Ten Thousand only) 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, namely, Chaitanya Ghorai in CRM(A) 937 of 2024 and petitioner no.3, namely, Apu Ghorai @ Apurba Ghorai in CRM(A) 943 of 2024 will report before the Investigating Officer once in a fortnight till the conclusion of investigation and petitioner no.1, namely, Rinki Ghorai @ Anuradha Ghorai, petitioner no.2, namely, Arati Ghorai and petitioner no.4, namely, Rita Ghorai in CRM(A) 943 of 2024 will cooperate with the investigation and on further 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.

CRM(A) 937 of 2024 and CRM(A) 943 of 2024 are disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)