

06.08.2024

Court No.29

Item No. 76

Allowed

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CRM (A) 2696 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kanksa Police Station Case No. 230 of 2024 dated 11.07.2024 corresponding to G.R Case No. 1405 of 2024 under Sections 498A/323/506//34 of the Indian Penal Code read with Sections 3/4 of the D.P. Act.

And

In Re: **Pratik Sankha Ghosh & Ors.**

Petitioners

Mr. Debasish Kar

Ms. Jagori Mitra

For the Petitioners

Mr. Manoranjan Mahata

For the State

1. Learned counsel for the petitioners submits that the de-facto complainant is living separately for 9 years and practically there is no relationship between the parties. It is submitted that the allegation of torture and the document of injury are false.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the parents of the victim.
3. Considering the materials available in case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and apparent discrepancy between the statement of the F.I.R and the statement of the father of the de-facto complainant, we are of the view that custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Pratik Sankha Ghosh, Prasanta Kumar Ghosh and Bina Ghosh** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two

sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The **petitioner nos. 1 and 2** shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report and the **petitioner no. 3** shall cooperate with the investigation and on further condition that the petitioners shall appear before the learned Chief Judicial Magistrate, Paschim Bardhaman, within two weeks from date in connection with G.R Case No. 1405 of 2024. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar, J)