

19 04.01.2024
(AD)
Court No.29
(Allowed)

C.R.M. (A) 4450 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bamongola** P.S. Case No.**136 of 2023** dated **15/08/2023** under Sections **363/365** of the Indian Penal Code, 1860. G.R. No.5552/2023.
And

In the matter of: **Chotu Yadav @ Chhotu Yadav & Ors.**
....petitioners.

Mr. Pradip Ray
Mr. Ujjal Ray
...for the petitioners.

Mr. Bidyut Kumar Ray
Ms. Sima Biswas
...for the State.

The petition is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, the petitioners were enlarged on interim anticipatory bail by the Coordinate Bench.

It is submitted at the bar that such order was passed without considering the materials in the case diary in view of the ensuing puja vacation.

We considered the materials in the case diary.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. The victim went away voluntarily.

Learned Advocate appearing for the State submits that there was a habeas corpus writ petition filed at the behest of the husband of the victim being WPA(H) 66 of 2023 which was disposed of by an order dated November 29, 2023.

The Coordinate Bench in WPA (H) 66 of 2023 noted that the victim recorded her statement under Section 164 of the Code of Criminal Procedure where she stated that, she went voluntarily.

The case diary contains the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. There, she stated that she went away voluntarily from her husband.

The complaint was lodged by the husband of the victim.

In such circumstances, we confirm the interim order dated October 16, 2023.

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 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 nos.1 and 3 will report before the Investigating Officer as and when called for till the conclusion of the investigation and petitioner no.2 and 4 will cooperate with the investigation till the conclusion of the investigation and on 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.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 4450 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)