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CRM 8453 of 2020

(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal P.S. Case No.745 of 2018 dated 01.12.2018 under Sections 365/34 of the Indian Penal Code read with Section 376D of the Indian Penal Code.

And

In the matter of: Apu Saha & Ors.

....Petitioners.

Mr. Arup Sarkar

...for the Petitioners.

Mr. Ranabir Roy Chowdhury
Mr. S. Banerjee

...for the State.

It is submitted on behalf of the petitioners that there was pre existing rivalry between the parties and the de facto complaint had initiated a criminal case alleging cruelty against her husband, that is brother of the petitioners.

Learned lawyer for the State strongly opposes the prayer for anticipatory bail.

Having considered the materials on record including the statement of the victim recorded under Section 164 CRPC we note there is no indication of the date on which the victim returned from Delhi and the instant case appears to have been instituted belatedly. That apart, there is pre-existing rivalry between the parties, we are inclined to grant anticipatory bail to the petitioners but subject to strict conditions.

Accordingly, we direct that in the event of arrest, the petitioners 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 while on bail the petitioners shall not enter the jurisdiction of Chanchal Police Station until further orders except for purpose of investigation and attending the court proceedings and shall provide address where he shall presently reside to the investigating officer as well as to the court below and shall report to the officer-in-charge of concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

CRM 8453 of 2020 is disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Abhijit Gangopadhyay, J.)

(Joymalya Bagchi, J.)