

Present :- Sri Kallol Kumar Das, Vacation Judge, Cooch Behar (J.O. Code –WB00668).

Order No.02 dated 15-10-2022

Today is fixed for hearing of this Criminal Misc. Case.

This is an application u/s-438 Cr.P.C. filed by the accused petitioners, namely **Dhaneshwar Barman & Charubala Barman @ Charu Barman**. Both the petitioners are apprehending their arrest by the police of Tufanganj P.S. in connection with Tufanganj P.S. Case No.742/2022, dated 03-09-2022, u/s-363/365/506/109 of the I.P.C., corresponding to G.R. Case No.1009/2022.

The Misc. Case is taken up for hearing.

Received the L.C.R. and the C.D.

At the outset, Ld. Advocate for the petitioner submits that no application for anticipatory bail of the petitioner had either been rejected by the Hon'ble Court or is pending for disposal before the Hon'ble Court.

Ld. Advocate for the petitioner draws my attention to the affidavit relating to such fact.

Ld. P.P. submits that there is no indication in the case diary which goes to suggest that prayer for anticipatory bail of the present petitioner had either been rejected by the Hon'ble Court or is pending before the Hon'ble Court for disposal.

Heard both sides.

It is the allegation that the victim Swapna Barman was eloped by one Anteswar Barman and the present petitioners are the parents of Anteswar Barman.

On perusal of record and the statement of the victim lady recorded u/s 164 of Cr.P.C, it transpires that they are not involved in this case. Rather, the victim lady voluntarily left the house with the accused Anteswar Barman and stayed there for 20 days.

Ld. P.P. opposes the bail prayer.

Having regards to the facts and circumstance of the case, I do not find any reason to refuse the application of the accused petitioners.

Accordingly, the prayer for anticipatory bail of the present accused petitioner is allowed.

Hence, it is, ordered,

that the accused petitioners namely **Dhaneshwar Barman & Charubala Barman @ Charu Barman** shall be released on bail on the event of their arrest with bond of Rs.2,000/- each with one registered surety to the satisfaction of arresting authority on condition that they shall comply the provision of Section 438(2) Cr.P.C. and they shall cooperate the investigation.

The Criminal Misc. Case is, thus, disposed of.

C.D. and L.C.R be returned.

Dictated & Corrected by,

Sd/-

**Vacation Judge,
Cooch Behar.**

Sd/-

**Vacation Judge,
Cooch Behar**