

28.09.2020
SL No.35
pk

CRM 7112 of 2020
With
CRAN 1 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hogalberia Police Station Case No. 128 of 2020 dated 09.09.2020 under Sections 498(A)/323/307/34 of the Indian Penal Code.

And

In the matter of: **Prolay Sarkar and others**

....Petitioners.

Mr. Samrat Choudhury,
Mr. Anit Dey

...for the Petitioners.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta

...for the State.

The petitioners undertake to affirm and stamp the petition as per the Rules within a month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

Learned counsel appearing on behalf of the petitioners submits that there are omnibus allegations against the accused. Besides, the husband has also filed a divorce suit against the wife.

Counsel for the State opposes the prayer for anticipatory bail. He relies on statements of independent eyewitness who saw the husband assaulting the wife.

Considering the nature of allegations and materials available in the case diary of the respective rules ascribed to the present petitioners, we are not inclined to grant anticipatory bail to the petitioner no. 1, namely, Prolay Sarkar. However, we are granting anticipatory bail to the petitioner nos. 2 to 5, namely, Upen Kumar Sarkar, Sulata Sarkar, Puja Sarkar and Pratima Sarkar.

In the event of arrest the petitioner nos. 2 to 5 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, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Cr. P. C. The petitioner no. 2 shall meet the investigating officer of the case once in a week.

The application for anticipatory bail being CRM 7112 of 2020 is partly allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Soumen Sen, J.)

(Jay Sengupta, J.)