

24.12.2020
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Partly allowed

C.R.M. 9325 of 2020
(via video conference)

In Re.: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No. 110 of 2020 dated 29.10.2020 under Sections 498A/307 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Dayal Barman & Ors. petitioners

Mr. Aniruddha Biswas

... for the petitioners

Mr. Nilay Chakraborty

Mr. B. Roy

... for the State

We have considered the materials on record. Statements of the witnesses show that the petitioner no. 1, husband, assaulted the victim with the backside of bhojali. Medical evidence corroborates ocular statements.

Accordingly, we are not inclined in granting anticipatory bail to him.

The application for anticipatory bail in so far as petitioner no. 1 concerned is, thus, rejected.

However, keeping in mind the extent of complicity of the petitioners no. 2 and 3 in the alleged crime, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest the petitioners no. 2 and 3 shall be released on bail upon furnishing a bond of Rs.10,000/- 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.

Accordingly application for anticipatory bail is allowed so far as petitioners no. 2 and 3 are concerned.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)