

10.12.2020.

84.

as

(Allowed).

C.R.M. 10182 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bongaon P. S. Case No.1164 of 2017 dated 09.12.2017 under Sections 498A/406/323/307/375/511/34 of the Indian Penal Code.

In the matter of : Dipak Bala & Anr.

... Petitioners.

Mr. Mrinal Kanti Mukherjee.

...for the Petitioners.

Ms. Faria Hossain,

Ms. Sonali Das.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that there is inordinate delay in lodging the first information report.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegation of torture including attempt to ravish the victim may be assessed in the light of the submission relating to inordinate delay in lodging the first information report. Possibility of embellishment due to existing matrimonial dispute cannot also be ruled out. Keeping in mind the aforesaid facts, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners, viz., Dipak Bala and Dipankar Bala 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)