

14/12/2020
Item No.140 DL
S.DE/AD
(Allowed)

C.R.M. 10299 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Durgapur P.S. Case No. 396 dated 10.10.2020 under Sections 325/307/506/34 of the Indian Penal Code.

And

In the matter of : Rizwana Parvin & Others.

...Petitioners.

Mr. Amajit De ...for the Petitioners.

Mr. Narayan Prasad Agarwala
Mr. Protick Bose ...for the State.

Md. Sabir Ahmed
Ms. Sayani Ahmed
... for the de facto complainant

It is submitted on behalf of the petitioners that there is a matrimonial dispute between the parties.

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

Learned counsel appearing for the de facto complainant also opposes the prayer for anticipatory bail.

The allegations of physical assault may be assessed in the light of the submission that there was a matrimonial dispute between the parties who took to blows.

In view of the aforesaid fact, we are of the opinion that the custodial interrogation of the petitioners may not be necessary and the petitioners may be granted anticipatory bail.

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

The application for anticipatory bail is thus disposed of.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)