

19.01.2021
Item No.216
Ct.No.28
s.d.
Allowed

C.R.M. 238 of 2021
(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In the matter of : Ashis Pan @ Ashish Kumar Pan and anr.
....petitioners.

Mr. Tushar Kanti Har
Mr. Somnath Chakraborty

... For the Petitioners.

Mrs. Sukanya Bhattacharyya
Mr. Md. Kutubuddin

... For the State.

Mr. Moloy Bhattacharyya
Mr. Subhrajyoti Ghosh

...for the de facto complainant.

Apprehending arrest in connection with Anandapur Police Station Case No. 173 of 2020 dated 09-11-2020 under Sections 498(A)/323/34 of the Indian Penal Code with added Sections 307/313 of the Indian Penal Code, the present application for anticipatory bail has been filed.

Learned advocate appearing for the petitioners submits that the present petitioners are the father-in-law and the brother-in-law(husband of the sister of the victim). Learned advocate for the petitioners further submits that

these petitioners have been falsely implicated in the present criminal proceedings and the marriage was solemnized in the year 2018.

Ms. Bhattacharya, learned advocate for the State opposes the prayer for anticipatory bail of the petitioners and draws the attention of this court to the statement of the complainant recorded under Section 164 of the Code of Criminal Procedure and also that of the witnesses who have supported the prosecution case. It has also been submitted that the husband of the victim has already been released on bail.

Having regard to the stage of the case and the materials so appearing before us, we are of the opinion that although there are allegations against the present petitioners but their custodial detention is not warranted for the sake of investigation. As such, the prayer for anticipatory bail of the present petitioners is allowed.

Accordingly, we allow the application for anticipatory bail and 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, one of whom must be local, 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.

The petitioners shall meet the Investigating Officer of the case once a week on and from 25th January, 2021 until further orders.

With the above observations, the application for anticipatory bail, being CRM 238 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)