

10.02.2021
Court No.28
rpan /233

C.R.M. 412 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Bishnu Sarkar & Another**

- Petitioners

Mr. Hironmoy Ghosh

... for the Petitioners.

Mr. Bidyut Kr. Roy,

Ms. Rita Datta

... for the State

Apprehending arrest in connection with Banshihari Police Station Case No.116 of 2020 dated 09.09.2020 under Sections 498A/323/325/307/34, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioner no.1 married the *de facto* / complainant in the year 2015. The *de facto* / complainant thereafter left her matrimonial house in the year 2016 and filed a divorce suit in the year 2018. Since then the petitioner no.1 and the *de facto* /complainant are living separately. No overt act has been attributed to the petitioners. The other co-accused persons have already been granted anticipatory bail and in view thereof, custodial detention of the petitioners is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and submits that the petitioner no.1 is the husband and the petitioner no.2 is the brother-in-law of the *de*

facto / complainant and there are allegations on record against the said persons.

We have heard the learned advocates. Considering the materials in the case diary, the nature of allegations, the extent of complicity of the petitioners in the alleged offence and since co-accused persons have already been enlarged on anticipatory bail, we are of the opinion that custodial detention of the petitioners is not warranted. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, 1. **Bishnu Sarkar** and 2. **Krishna Sarkar**, 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 and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 412 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)