

07.04.2021

Item No.74

Ct.No.28

Subha

Allowed

C.R.M. 696 of 2021

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 Cr.P.C in connection with Bhangore P. S. Case No. 415 of 2020 dated December 15, 2020 punishable under Sections 498A/406/342/354/307/506/325/34 of the Indian Penal Code.(G. R. Case No. 7174 of 2020).

And

In the matter of : Mithun Sardar & ors.

.. Petitioners.

Mr. Navnil De
Mr. Rajeshwar Chakraborty

... For the Petitioners.

Mr. Tanmoy Kumar Ghosh
Ms. Sima Biswas

... For the State.

Apprehending arrest in connection with Bhangore Police Station Case No. 415 of 2020 dated December 15, 2020 punishable under Sections 498A/406/342/354/307/506/325/34 of the Indian Penal Code, the present application has been filed.

Mr. De, learned advocate appearing for the petitioners submits before this court that the petitioners happens to be the father-in-law, mother-in-law, brother-in-law and the sister-in-law of the victim.

Learned advocate appearing for the petitioners submits that the complainant voluntarily had left the matrimonial home and to that extent, referred to a document, which has been enclosed along with the application.

Learned advocate for the petitioners addressees this court that there are variation in the statement of the complainant and the F.I.R and the document which has been enclosed along with the application.

Additionally, he submits that the petitioners have been falsely implicated in the instant case by the complainant to wreak vengeance arising out of a matrimonial dispute.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and produces the case diary, which includes the letter of complaint, statement of the witnesses as also the injury report.

We have perused the case diary and assessed the allegations in the background of the observations of the doctor in the medical report.

Having regard to the aforesaid materials, we are of the opinion that there are incriminating materials appearing

against the petitioner no.1(Mithun Sardar), who happens to be the husband of the complainant and as such, the anticipatory bail of the petitioner no. 1 is rejected.

So far as the prayer for anticipatory bail of the petitioner nos. 2 to 5 are concerned, prima facie, we are of the opinion that custodial detention of the petitioner nos. 2 to 5 may not be warranted in the facts and circumstances of the case.

As such, the prayer for anticipatory bail of the petitioner nos. 2 to 5 is allowed.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the *petitioners, namely, **petitioner no. 2, Bhanu Chandra Sardar, petitioner no. 3, Minoti Sardar and petitioner no.4, Rita Roy and petitioner no.5, Subhankar Roy*** 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.

Petitioner no. 2 and petitioner no.5 shall meet with the Investigating Officer of the case once a week until further orders and the rest of the petitioners shall meet the Investigating Officer as and when called for.

The application for anticipatory bail, being CRM 696 of 2021 is, thus, disposed of.

(**Harish Tandon, J.**)

(**Tirthankar Ghosh, J.**)