

07.04.2021
Item No.75
Ct.No.28
Subha
Allowed

C.R.M. 697 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. 438 of 2020 dated December 31, 2020 punishable under Sections 195A/323/354/34 of the Indian Penal Code.(G. R. Case No. 31 of 2021).

And

In the matter of : Mithun Sardar & ors.

.. Petitioners.

Mr. Navnil De
Mr. Rajeshwar Chakraborty

... For the Petitioners.

Mr. Prasun Kumar Dutta, APP
Mr. Subroto Roy

... For the State.

Apprehending arrest in connection with Bhangore Police Station Case No. 438 of 2020 dated December 31, 2020 punishable under Sections 195A/323/354/34 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

happen 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 present case is the outcome of the earlier Police Station Case No. 415 of 2020 and the complainant has alleged that she has been threatened for withdrawing the case.

Learned advocate for the petitioners addressed 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 materials available in the case diary and on an appreciation of the same, we are of the opinion that the custodial detention of the petitioners may not be warranted and as such, the prayer for bail of the petitioners is allowed.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the *petitioners, namely, **petitioner no. 1, Mithun Sardar, 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 nos. 1, 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 697 of 2021 is, thus, disposed of.

(**Harish Tandon, J.**)

(**Tirthankar Ghosh, J.**)