

17 24.05.2021
g.b. Court No.28

CRM 1040 of 2021

Allowed

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

And

In Re: Ashim Kumar De & Anr.

Petitioners

Mr. Chittapriya Ghose

For the Petitioners

Mr. Pradipta Kr. Ganguly

Mr. Madhusudan Sur

For the State

Apprehending arrest in connection with Shibpur Police Station case no. 368 of 2020 dated 22.12.2020 under Sections 498A/406 of the Indian Penal Code, the present application has been preferred.

Mr. Ghose, learned advocate appearing on behalf of the petitioners submits that the petitioner no.1 is the father-in-law and the petitioner no.2 is the mother-in-law of the de facto complainant. They are both aged persons and there is no incriminating material against the petitioners and in view thereof, custodial interrogation is not necessary. He further submits that notice under Section 41A of the Code of Criminal Procedure was issued and the petitioners have been complied with the same.

The learned advocate appearing for the State opposes the petitioners' prayer for anticipatory bail

Having heard the learned advocates appearing for the parties and considering the nature of allegations and the fact that the petitioners have already been complied with the 41A notice, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Ashim Kumar De and Kalpana De**, 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 C.R.M. 1040 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)