

28.07.2021
Item no.20.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 1448 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 04.02.2021 in connection with Gangarampur Police Station Case No.28 of 2021 Dated 22.1.2021 under Sections 498A/307/34 of the Indian Penal Code

And

In the matter of : Sukumar Ghosh & Others

.....Petitioners.

Mr. Kaushik Choudhury,
Ms. Busra Khatoonfor the Petitioners.

Mr. Bidyut Kumar Roy,
Ms. Rita Duttafor the State.

The petitioners are the husband and the parents in law of the complainant. It is submitted on behalf of the petitioners that they have been falsely implicated and it was the complainant, who inflicted torture upon petitioner nos.2 and 3 for which they lodged several complaints before the police authority prior to lodging of the present complaint. In retaliation, the present complaint has been lodged.

The State opposes the prayer for bail and draws the attention of the Court to the statements of the complainant and other witnesses recorded under Section 161 of the Code.

However, it is submitted by both the parties that no injury was inflicted upon the complainant.

Having considered the material on record and in view of the fact that no injury was sustained by the complainant and the allegation against the petitioners is general and omnibus in nature and regard being had to the complicity of the petitioners in the alleged offence, we are inclined to hold that immediate custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

Accordingly, in the event of arrest, the petitioners 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 of the concerned police station and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

The application for anticipatory bail being C.R.M. No.1448 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

