

24.05.2021

Sl. No. 52

Srimanta/

Suman

Ct. No. – 28

D/L

**CRM/1503/2021
(Via Video Conference)**

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

In the matter of : Sankar Basfore & Anr.

... petitioners.

Mr. Arup Kumar Bhowmick, Adv.

...for the petitioners.

Mr. Rana Mukherjee, Adv.,
Mr. Pradipta Ganguly, Adv.,
Mr. Pratick Bose, Adv.

...for the State.

Apprehending arrest in connection with English Bazar Police Station Case No. 400 of 2020 dated 11th May, 2020 under Sections 498(A)/323/307/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Bhowmick, Learned Advocate for the petitioners submits that the petitioner no. 1 is the husband of the de facto complainant and the petitioner no. 2 is the married sister-in-law of the de facto complainant. They have been falsely implicated in an incident which occurred about 21 years after marriage was solemnized between the petitioner no. 1 and the de facto complainant. Upon completion of investigation charge-sheet has also been submitted and in view thereof custodial interrogation of the petitioner is not necessary.

Mr. Mukherjee, Learned Advocate for the State opposes the petitioner's prayer and submits that there are materials on record against the petitioners.

Having heard the learned Advocates for the respective parties and considering the nature of the allegations as levelled and the extent of complicity of the petitioner no. 2 in the alleged offence we are of the opinion that custodial detention of the petitioner no. 2 is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner no. 2, namely, **Shanti Harijan** shall be released on anticipatory 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.

However, the materials on record, prima facie, reveal the involvement of the petitioner no. 1, **Sankar Basfore** in the alleged offence and in view thereof we are not inclined to exercise any discretion in his favour and his prayer for anticipatory bail is **refused**.

Accordingly, the application for anticipatory bail being CRM No. 1503 of 2021, is **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.)