

18.08.2021  
Item no. 27  
Court No.32.  
S.De  
(allowed)

**(Via Video Conference)**

**CRM No. 1679 of 2021**

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 09.02.2021 in connection with Arambagh Women's Police Station Case No. 03 of 2020 dated 17.01.2020 under Sections 341/447/323/427/506/307/313/34 of the Indian Penal Code.

And

**In the matter of : Tapan Mal & Ors.**

.....Petitioners.

Mr. Ankit Agarwala, Advocate,  
Ms. Alotriya Mukherjee, Advocate,  
Mr. Vineet Ojha, Advocate,

.....for the Petitioner.

Mr. P.K. Datta, Ld. A.P.P.,  
Mr. Santanu Deb Roy, Advocate,

.....for the State.

The petitioners say that the sister of the petitioner no.1 was being tortured at her matrimonial home. The petitioner went to bring her back and in fact brought her back to the lady's parental home. Then they lodged a complaint under Section 498A of the Indian Penal Code along with other provisions of the Code. They say that the present complaint is nothing but an afterthought and a counterblust.

We have seen the material in the case diary. There is no significant injury suffered by anybody concerned. The material in the case diary do not prima facie implicate the petitioners to the extent that their immediate custodial interrogation may be necessary. Charge sheet has been filed.

In view of the aforesaid, we are of the opinion that immediate custodial interrogation of the petitioners may not be necessary.

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 and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 1679 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.)**

