

05.08.2021

(Via Video Conference)

Court No.28  
Item No.322  
(ALLOWED)

**CRM 1746 of 2021**

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 10.02.2021 in connection with Sabang Police Station Case No. 12 of 2021 dated 09.01.2021 under Sections 498A/323/325/326A/354(b)/506/34 of the Indian Penal Code;

And

In the matter of : **Prashanta Kumar Jana @ Prasanta Kumar Jana and others.**

**...Petitioners**

**Mr. Ujjal Ray.**

**...For the Petitioners**

**Mr. Subrato Roy.**

**... For the State**

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Sabang Police Station Case No. 12 of 2021 under Sections 498A/323/325/326A/354(b)/506/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

There is a long drawn family dispute amongst the parties. The complainants and the petitioners are related and dispute pertains to the exclusive user of staircase. It appears that the father and other sons are on one side sparing the another son and his wife, who are the complainants in the instant case.

The allegation initially appears to be serious and, therefore, we invited the learned Advocate for the State to produce the case diary

before us. After perusing the opinion expressed by a homeopathic clinic that there was an injury by acid, it does not inspire us that the person, who suffered an acid injury, does not require an immediate attention and medical assistance. The documents, which are surfaced from the case diary, do not instill the confidence in us about the genuinity of the allegation at this stage.

We, thus, do not find any justification in custodial interrogation of the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs. 5,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 1746 of 2021 is, thus, **allowed**.

**(Harish Tandon, J)**

**(Bibek Chaudhuri, J.)**