

30.07.2021
Item no.67.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2193 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 25.02.2021 in connection with Bhimpur Police Station Case No.271 of 2020 Dated 31.10.2020 under Sections 498A/307/34 of the Indian Penal Code

And

In the matter of : Mithun Biswas @ Mitun Biswas

.....Petitioner.

Mr. Sumanta Dasfor the Petitioner.

Mr. T. K. Ghosh
Mr. Arindam Senfor the State.

The charge is under Sections 498A/307/34 of the Indian Penal Code. The petitioner is the husband of the victim lady.

The petitioner says that his wife assaulted his mother. This prompted him to intervene and have a physical exchange of blows. In the process, the wife got injured.

The State produces the case diary. We have seen the material therein including the statement of the victim lady and the injury report. Although there are multiple injuries but none of them seems to be very serious. The incident occurred eight

years after the marriage. Charge sheet has not yet been submitted.

Having considered the materials on record and the facts and circumstances of the case, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 petitioner fails 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 C.R.M. No.2193 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.)

