

15.09.2021
Item no.31.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2282 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 Kolaghat Police Station Case No.290 of 2020 Dated 20.09.2020 under Sections 498A/307/34 of the Indian Penal Code

And

In the matter of : Soyem Kha

.....Petitioner.

Mr. Arindam Jana,
Mr. Soumajit Chatterjee,
Mr. Sumanta Dasfor the Petitioner.

Md. Anowar Hossain,
Ms. Sreyashee Biswasfor the State.

The petitioner says that Section 498A of the Indian Penal Code is not at all attracted in this case. The allegation is that the petitioner assaulted his mother-in-law. He says that his wife left the matrimonial home and went to stay in her parental house. The petitioner, in his effort to restore the marriage, went to the wife's parental house. There, altercation took place as the wife's mother was unduly posing impediments to the petitioner's attempts to reconcile with his wife. The petitioner might have, in the heat of the moment, assaulted the mother-in-law. However,

no serious injury was suffered by her. Charge sheet has already been filed.

We have seen the injury report. There is no significant injury. We have also considered the statements of witnesses in the case diary.

On an overall assessment of the facts and circumstances of the case and the material on record and the possible extent of complicity of the petitioner in the alleged offence as well as the nature and gravity of the alleged offence, we are of the view that immediate custodial interrogation of the petitioner may not be necessary, particularly when charge sheet has already been submitted.

Accordingly, in the event of arrest, the petitioner, namely Soyem Kha 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.2282 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.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)