

Item No.58
11-08-2021
(ct. no.32)
(AD)
Allowed

(Via Video Conference)

CRM 2621 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Santipur Police Station** Case No. **531 of 2020** dated **17.11.2020** under Sections **448/ 307/ 326/ 379/ 427/ 506/34** of the Indian Penal Code.

- A n d -

In the matter of : Samaresh Adhikari @ Samaresh Adhikary
.... Petitioner.

Mr. Saurav Chatterjee
Mr. Aditya Tiwari

... For the Petitioner.

Mr. Ranabir Roy Choudhury
Mr. Rudradipta Nandy

... For the State.

The petitioner says that he has been caught in a crossfire between the mother-in-law and the daughter-in-law. According to him, the daughter-in-law left the matrimonial home on 11th September, 2020. Soon thereafter, she lodged a complaint under Section 498A of the Indian Penal Code, amongst others, against the present de facto complainant being her mother-in-law. Charge sheet was issued on 24th September, 2020. Thereafter, the present compliant was filed making the allegation that the complainant found her daughter-in-law and the present petitioner in compromising position on 19th September, 2020. When she raised protest, the petitioner assaulted her. This is the story.

We have seen the material in the case diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. We have seen the injury reports.

The complainant has stated that on 18th September she found the petitioner and her daughter-in-law in compromising position at her matrimonial home. *Prima facie*, it appears that on 18th September, the daughter-in-law was not in the matrimonial home at all.

Having considered the material on record, the nature and gravity of the allegations and the extent of possible complicity of the petitioner in the alleged offence, although charge sheet has not yet been submitted, we are inclined to hold that immediate custodial interrogation of the petitioner is not necessary.

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 the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the Learned Court below will be at liberty to cancel the anticipatory bail without reference of this Court.

The application for anticipatory bail being CRM 2621 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)