

Item No.59
11-08-2021
(ct. no.32)
(AD)
Allowed

(Via Video Conference)

CRM 2629 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bongaon Police Station** Case No. **24** dated **10.01.2021** under Sections **498/406/307** of the Indian Penal Code.

- A n d -

In the matter of : Sri Himangshu Ghosh & Anr.

.... Petitioners.

Mr. Anupam Hait

... For the Petitioners.

Mr. S.S. Imam, Sr. Adv.
Mr. Arabinda Manna

... For the State.

The petitioners are the parents-in-law of the de-facto complainant. The petitioners submit that they have been falsely implicated and the complaint has been lodged at a delay of about one year and two months. The husband of the de facto complainant has been granted bail.

The State refers to the case diary including the statements of witnesses recorded under Section 161 of the Code. The State submits that there is no injury report in support of alleged assault on the victim.

We have considered the material in the case diary. There is no contemporaneous medical document in support of the contention of the de-facto complainant. Allegations are general and omnibus. The husband of the de-facto

complainant is on bail. We are informed that investigation is in progress.

Having considered the material in the case diary, facts and circumstances of the case and the extent of complicity of the petitioners in the alleged offence and also as there is inordinate delay in lodging the FIR, we are of the view that immediate custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail so long as they cooperate with the investigation.

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 the event the petitioners fail 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 2629 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.)