

15.09.2021
Item no.65.
Court No.32.
AB
**(Partly
Allowed)**

(Via Video Conference)

CRM No. 2665 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 11.03.2021 in connection with English Bazar Police Station Case No.1261 of 2020 Dated 27.12.2020 under Sections 498A/326A/307/506 34 of the Indian Penal Code

And

In the matter of : Milan Das & Others

.....Petitioners.

Mr. K. M. Rahamanfor the Petitioners.

Mr. Saibal Bapuli, ld. APP,
Mr. Arijit Ganguly,
Mr. Sanjib Kumar Danfor the State.

The petitioner no.1 is the husband and the petitioner nos.2 and 3 are the parents-in-law of the victim. The allegation is that the petitioners used to torture the victim regularly. The victim was driven out of the matrimonial home.

The petitioners say that the allegations are false. The victim left the matrimonial home on her own accord. The complaint has been filed four months after leaving the matrimonial home.

We have seen the material in the case diary and in particular, the statement of the victim lady recorded under Section 161 of the Code of Criminal Procedure. The victim specifically implicates the petitioner no.1 and also records that the petitioner no.1 forced her to consume phenyl. We have seen the medical report, which corroborates the statement of the victim.

In view of the specific allegations against the petitioner no.1 and the prima facie incriminating material against him, since investigation is going on, we are not inclined to allow the prayer of the petitioner no.1 for anticipatory bail.

The application is dismissed as regards the petitioner no.1.

Insofar as the petitioner nos.2 and 3 are concerned, prima facie their complicity in the alleged offence is not clear. They say that they are prepared to cooperate with the Investigating Officer fully. We are inclined to allow their prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner nos.2 and 3, namely Ganesh Das and Rajkumari Das 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 case the petitioner nos.2 and 3 fail 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.2665 of 2021 is, thus, partly 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.)