

04.06.2021
Court No.28
Item No. 43
Avijit Mitra

CRM 3160 of 2021 (Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re: **Srimanta Bhunya @ Srimanta Bhunia & anr.**

Petitioner

Mr. Suman De

For the Petitioners

Mr. Bidyut Kumar Ray,
Ms. Rita Dutta

For the State

Apprehending arrest in connection with Tamluk Police Station Case No.06 of 2021 dated 03.01.2021 under sections 498A/323/307/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. De, learned advocate appearing for the petitioners submits that the petitioner no.1 is the brother-in-law and the petitioner no.2 is the mother-in-law of the victim. They have been falsely implicated. The son of the petitioner no.2 married the daughter of the *de facto* complainant. Out of the said wedlock, a girl child was born. Subsequent thereto, the *de facto* complainant's daughter left her matrimonial home. The son of the petitioner no.2 filed an application for restitution of conjugal rights on 3rd August, 2020. The *de facto* complainant lodged a complaint after filing of the said matrimonial suit. The son of the petitioner no.2 was arrested and he has already been enlarged on bail. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Ray, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

We have perused the statement of the witnesses as recorded under Section 161 of the Code. Considering the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the present case, more so when upon completion of investigation, chargesheet has also been filed.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Srimanta Bhunya @ Srimanta Bhunia and Smt. Durga Bhunya @ Durga Rani Bhunia**, shall be released on anticipatory 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner no.1 shall meet with the Officer-in-Charge, Tamluk Police Station once a week on and from 9th June, 2021 until further orders.

The petitioners are also directed to attend the learned court below on the dates, as specified for hearing.

In the event they fail to comply with the aforesaid directions, without any justifiable cause, the learned trial court shall be at liberty to cancel the bail, without further reference to this Court.

Accordingly, the application for anticipatory bail being CRM No.3160 of 2021, is disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)