

27.05.2021

Sl. No. 28

Srimanta

Ct. No. – 28

D/L

**CRM/3735/2021
(Via Video Conference)**

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

In the matter of : Sunil Biswas & Ors.

Mr. Dipayan Kundu, Adv., ... petitioners.

Mr. Arijit Ganguly, Adv., ...for the petitioners.

Mr. Sanjib Kumar Dan, Adv.

...for the state.

Apprehending arrest in connection with Bangaon Police Station Case No. 1071 of 2021 dated 12th April, 2021 under Sections 498(A)/323/34 of the Indian Penal Code, 1860, the petitioners have filed the present application.

Mr. Kundu, Learned Advocate appearing for the petitioners submits that the petitioner no. 1, 2, 3 and 4 are the husband, the father-in-law, the mother-in-law and the brother-in-law of the *de facto* complainant respectively. The petitioner no.5 is the wife of the petitioner no.4. They have all been falsely implicated in the alleged offence. The petitioner no. 1 married the *de facto* complainant way back in the year 1999 and the couple is presently having a son and a daughter, who are aged about 15 and 18 years respectively.

He further submits that the petitioners have complied with the Section 41A notice and in the said conspectus, their custodial interrogation is not warranted and they may be granted anticipatory bail on any condition.

The Learned Advocate appearing for the State opposes the petitioners' prayer and draws our attention to the

complaint and the statement of the witnesses as recorded under Section 161 of the Code of Criminal Procedure.

Records reveal that the marriage was solemnized about 22 years ago and presently the couple is having a son and a daughter, who are aged about 15 years and 18 years respectively.

Considering the above facts, the nature of allegations and the fact that the petitioners have complied with the Section 41A notice, we are of the opinion that their custodial interrogation/detention is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sunil Biswas, Khagendra Nath Biswas, Gita Biswas, Ishan Biswas, Rupali Biswas** 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.

The petitioners shall cooperate with the investigation and shall reside within the jurisdiction of the Bangaon Police Station. The petitioner nos. 1 and 4 shall also meet with the Investigation Officer once a week on and from 7th June, 2021 until further orders.

Accordingly, the application for anticipatory bail being CRM No. 3735 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.)