

13.12.2021
Sl. No.128
akd
[ALLOWED]

C. R. M. 5172 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 03.08.2021 in connection with Chinsurah Police Station Case No. 307 of 2021 dated 22.07.2021 under Sections 498A/406/506/34 of the Indian Penal Code.

And

In Re: ***Shibu Mistry & Anr.***

... .. Petitioners

Ms. Sikta Roy

... .. for the petitioners

Mr. Abhra Mukherjee

Mr. Dipankar Mahato

... .. for the State

It is submitted on behalf of the petitioners that the instant case has been registered over a domestic dispute. It is further submitted that the petitioners are innocent.

Learned advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegations of torture are general and omnibus in nature. Petitioners have cooperated with the investigation. In view of the aforesaid facts, we are of the opinion that custodial interrogation of the accused/petitioners may not be necessary in the facts of the present case and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely ***(1) Shibu Mistry & (2) Urmila Mistry***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure,

1973 and on further condition that petitioner no.1 shall meet the Investigating Officer once in a week until further orders and the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)