

14.12.2021
Sl. No.75
akd
[PARTLY
ALLOWED]

C. R. M. 5592 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.08.2021 in connection with Nazat Police Station Case No. 160 of 2021 dated 07.07.2021 under Sections 498A/406/376/511/34/307 of the Indian Penal Code.

And

In Re: **Arup Sarkar & Anr.**

... .. Petitioners

Mr. Kallol Kumar Basu
Md. Jannat Ul Firdaus
Ms. Tithi Majumder

... .. for the petitioners

Mr. Goutam Wilson

... .. for the State

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case due to matrimonial dispute between the petitioner no.1 and the de-facto complainant-wife.

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

We have considered the statements of witnesses particularly that of the victim-housewife. There is specific allegation against the petitioner no.2 with regard to molestation and attempted rape of the victim-housewife. In view of the gravity of the offence, we are not inclined to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail of the accused/petitioner no.2 namely, **(2) Monimohan Sarkar** is rejected.

However, keeping in mind the general and omnibus nature of allegations against the petitioner no.1, we are inclined in granting anticipatory bail to him.

Accordingly, we direct that in the event of arrest, the accused/petitioner no.1 namely **(1) Arup Sarkar**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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 the petitioner no.1 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.)