

11.11.2021

CRM 6951 of 2021

Court No.28
Item No.33
(REJECTED)

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 08.10.2021 in connection with Labpur Police Station case No. 166 of 2021 dated 11.09.2021 under Sections 498A/323/307/34 of the Indian Penal Code;

And

In the matter of : **Suman Garai @ Suman Gorai and others.**
...Petitioners.

Mr. Sujoy Sarkar.

...For the Petitioners.

**Mr. Rana Mukherjee,
Ms. Sujata Das,
Ms. Debjani Sahu.**

... For the State.

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Labpur Police Station case No. 166 of 2021 dated 11.09.2021 under Sections 498A/323/307/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Learned Advocate for the petitioners submits that the petitioners have been implicated in connection with the instant case out of matrimonial discord having no sanctity of truth in it. It is further submitted that the defacto complainant was putting pressure on the petitioner no. 1 to separate from his family and having not accepted such proposal, a case has been initiated against the petitioners.

Learned Advocate for the State opposes the prayer for

anticipatory bail. It is submitted that the incident narrated by the defacto complainant is within seven months of marriage. Furthermore, there was an attempt to commit suicide by consuming poison, which shows the mental stress of the defacto complainant that she was subjected to cruelty and torture.

After hearing the respective Counsels and on perusal of materials on record including the statement of the defacto complainant recorded under Section 164 of the Code of Criminal Procedure and the role of the petitioners attributed to the conduct in commission of offence, we do not find that it is a fit case where the petitioners are entitled to the benefit of Section 438 of the Code of Criminal Procedure.

The application for anticipatory bail being CRM 6951 of 2021 is, thus, ***rejected.***

(Harish Tandon, J)

(Rabindranath Samanta,J.)