

15.11.2021
Sl. No.100
akd
[ALLOWED]

C. R. M. 7182 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 22.10.2021 in connection with Hura Police Station Case No. 70 of 2021 dated 05.07.2021 under Sections 498A/308 of the Indian Penal Code read with Section 4 of the Domestic Violence Act.

And

In Re: **Akash Roy & Ors.**

... .. Petitioners

Mr. Pawan Kumar Gupta
Mr. Sougata Mitra
Mr. Rameswar Sinha
Ms. Sofia Nesar
Ms. Ankita Dey
Mr. Santanu Sett

... .. for the petitioners

Mr. Bidyut Kumar Roy
Ms. Rita Datta

... .. for the State

Leave is granted to the learned advocate-on-record of the petitioners to correct the prayer portion of the application in course of this day.

It is submitted on behalf of the petitioners that there is a matrimonial dispute and they have been falsely implicated in the instant case.

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

We have considered the materials on record including the medical report. Medical report does not disclose any external injury. Allegations of torture are also general and omnibus in nature. Accordingly, we are of the opinion though custodial interrogation of the accused/petitioners may not be necessary in the facts of the present case, petitioner no.1 requires to cooperate with the investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Akash Roy, (2) Babulal Roy, (3) Paribala Roy & (4) Kabita Roy**, 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 the 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.)