

11.02.2021
Item No.114
Ct.No.28
Subha
Allowed

C.R.M. 6556 of 2020
(Via Video Conference)

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

And

In the matter of : **Binod Kumar Bhunia @ Binod Kumar
Bhukania & Anr.**

.....petitioners.

Ms. Subhasree Patel
Mr. Soham Banerjee

... For the petitioners.

Mr. Ashoke Das

... For the State.

Ms. Rituparna De Ghose

....for the *de facto* complainant.

Apprehending arrest in connection with Karaya
Police Station Case No. 299 of 2020 dated 01.08.2020 under
Sections 498A/406/34 of the Indian Penal Code, the present
application has been preferred.

Ms. Patel, learned advocate appearing for the
petitioners submits that the petitioner no. 1 is the father-in-
law and the petitioner no.2 is the brother-in-law of the *de*
facto complainant and they have been falsely implicated.
The son of the petitioner no. 1 married the *de facto*

complainant in the year 2002. Out of the said wedlock, two children were born, who are presently aged about 15 years and 16 years respectively. No overt act has been attributed to the petitioners and in view thereof, their custodial detention is not warranted. Let the supplementary affidavit filed by the petitioners be kept with the record.

Ms. De Ghosh, learned advocate appearing for the *de facto* complainant opposes the petitioners' prayer and submits that *stridhan* articles have not been returned to the *de facto* complainant.

Mr. Das, learned advocate appearing on behalf of the State has drawn the attention of this Court to several documents in the case diary.

Having heard the learned advocates and considering the materials available in the case diary, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial detention of the petitioners is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Binod Kumar Bhuania alias Binod Kumar Bhukania and Rohan Bhukania** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 and a further condition that the petitioners shall reside within the jurisdiction of Karaya Police Station, until further orders.

The application for anticipatory bail, being CRM 6556 of 2020 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)