

25.02.2021

Item No.34

Ct.No.28

dc.

Partly Allowed

C.R.M. 10625 of 2020

(Via Video Conference)

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

And

In Re : **Md. Dilawar & Ors.**

... Petitioners.

Mr. Subham Bhakat,
Mr. Raju Mondal

... For the Petitioners.

Mr. Tapandeb Nandy,
Mr. Antarikhya Basu

... For the State.

Apprehending arrest in connection with Asansol(N) P.S. Case No. 286 of 2020 dated 09.11.2020 under Sections 498A/313/120B of the Indian Penal Code, the present application has been preferred.

The learned advocate appearing for the petitioners submits that the petitioner no.1 happens to be the husband, the petitioner no.2 is the father-in-law, the petitioner no.3 is the mother-in-law, the petitioner nos. 4 and 5 are the sisters-in-law and the petitioner no.6 is the brother-in-law of the complainant. The learned advocate submits that the petitioners are innocent of the charges and out of trivial matrimonial dispute, they have been implicated in the instant case without any rhyme or reason. Additionally, the

learned advocate undertakes that in case the petitioners are extended the benefit of anticipatory bail, they would abide by any stringent conditions imposed by this Court.

The learned advocate for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the relevant pages of the case diary which include the medical report as well as the statement of the witnesses and emphasises that the present petitioners were involved in assaulting the victim which resulted in commission of offence under Section 313 of the Indian Penal Code.

We have perused the materials on record including the statement of the witnesses, medical report and the allegations in the application under Section 156(3) of the Code of Criminal Procedure which was filed by the complainant.

Having regard to the materials so available before us, we are of the opinion that the petitioner no.1, namely, Md. Dilawar is not entitled to the benefit under Section 438 of the Code of Criminal Procedure. As such, prayer for anticipatory bail in respect of petitioner no.1, namely **Md. Dilawar**, is **rejected**.

So far as the petitioner Nos. 2, 3, 4, 5 and 6, namely, Md. Samid, Samaima, Neha @ Neha Parveen, Rukshar and Md. Samir respectively are concerned, we are of the opinion that custodial detention of the said petitioners is not warranted.

Accordingly, we allow the application for anticipatory bail in respect of the petitioner Nos. 2, 3, 4, 5 and 6 and direct that in the event of arrest, the petitioner Nos. 2, 3, 4, 5 and 6, namely, **Md. Samid, Samaima, Neha @ Neha Parveen, Rukshar** and **Md. Samir** respectively, 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.

The application for anticipatory bail, being CRM 10625 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.)