12.03.2021

Court No.02
Item No.127
(ALLOWED)

akd

CRM 11009 of 2020

In Re:- An application for bail under section 438 of the Code of Criminal Procedure filed on 21.12.2020 in connection with Burdwan Police Station Case No. 845 of 2020 dated 13.12.2020 under Sections 498A/34 of the Indian Penal Code.

And

In the matter of : **Arindam Banerjee & Ors.**
...Petitioners.

Mr. Sandip Kumar Bhattacharyya,
Ms. Debanwita Pramanik.
...For the Petitioners.
Mr. Shiladitya Banerjee.
...For the State.

Apprehending arrest in connection with Burdwan Police Station Case No. 845 of 2020 under Sections 498A/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.

Petitioner no. 1 is the husband, petitioner no. 2 is the sister-in-law and petitioner no. 3 is the mother-in-law of the de facto complainant.

It is submitted on behalf of the petitioners that there is a dispute with regard to the custody of the child for which the complaint has been lodged to take vengeance. It is further submitted that the complaint has been lodged after sixteen years of marriage.

The learned Advocate for the State opposes the prayer for anticipatory bail.

Having regard to the nature of allegations made against the petitioners and their complicity in the alleged offence, we do not feel that the custodial interrogation of the petitioners is required.

In view of the above, the petitioners shall be released on bail in the event of arrest on furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station with condition that the petitioners shall meet the Investigating Officer of the concerned police station as and when called for and with

further conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail, being CRM 11009 of 2020, is thus **allowed**.

(Harish Tandon, J)

(Kausik Chanda, J.)