

13 07.01.2022
(AD)
Court No.29
(Allowed)

**C.R.M. (A)36 of 2022
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bankura Women** P.S. Case No. **99 of 2021** dated **09/12/2021** under Sections **498A/323/325/307/406/379/494/506/120B** of the Indian Penal Code, 1860.

And

In the matter of: Tapas Dhibar & Ors.

....petitioners.

Mr. Anit Dey

...for the petitioners.

Mr. Imran Ali
Ms. Sujata Das

...for the State.

Mr. Soumik Ganguli

... for the de facto complainant.

It is submitted on behalf of the petitioners that they are not the relatives of the husband of the victim-housewife. They have been falsely implicated in the instant case.

Learned Advocate for the State submits that the husband of the victim lady had an affair with petitioner no.3. A quarrel ensued between the parties. Petitioners assaulted the de facto complainant and her mother-in-law.

Learned Advocate for the de facto complainant submits that petitioners have suppressed the fact that they have approached the Sessions Court for similar relief.

In view of the aforesaid submission, the petitioners undertake not to pursue the application preferred before the Sessions Judge. In view of the undertaking, the petition is taken up for hearing on merits.

We have considered the materials on record. It appears that there was an illicit relationship between petitioner no.3 and husband of the de facto complainant. A dispute arose over such relationship. However, allegation of physical assault is not supported by medical evidence.

In view of the aforesaid circumstances, we are of the opinion though custodial interrogation of the petitioners may not be necessary, movement of the petitioners required to be restricted in order to prevent recurrence of similar events.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall not enter the jurisdiction of Bankura Women Police Station except for the purpose of investigation and/or attending the court proceedings.

The petitioners shall appear before the Court below and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. (A) 36 of 2022 is, thus, disposed of.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)