

08.02.2022

Court No.32
rpan / **08**

C.R.M. (A) 72 of 2022

In Re:- An application for anticipatory bail under
section 438 of the Code of Criminal Procedure ;

And

In re: **Hashi Rani Bhowmick & 3 Others**

- Petitioners.

Mr. Dhananjoy Banerjee,
Ms. Oindrila Ghosh
... for the Petitioners.

Mr. N. P. Agarwala,
Mr. Pratick Bose
... for the State.

Apprehending arrest in connection with Krishnaganj
Police Station Case No.310 of 2021 dated 21.12.2021 under
Sections 498A/325/326/308/506/34 of the Indian Penal Code,
the petitioners have filed the present application.

Mr. Banerjee, learned advocate appearing for the
petitioners submits that the petitioner no.1 is the mother-in-law,
the petitioner no.2 is the wife of the petitioner no.3, the
petitioner no.3 is the brother-in-law and the petitioner no.4 is
the husband of the victim. They have been falsely implicated.
The petitioner no.4 married the victim in the year 2018.
Subsequent thereto, the victim left her matrimonial house. As
such, the petitioner no.4 was constrained to prefer a suit for
restitution of conjugal rights on 30th June, 2021 in which the
victim appeared on 5th October, 2021. Thereafter, she preferred
an application under Section 125 of the Code. During pendency
of the above litigation, the victim filed an application under
Section 156(3) of the Code on the basis of which the FIR was

registered on 21st December, 2021. In the said conspectus, the petitioners may be granted anticipatory bail on any stringent condition.

Mr. Bose, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary. Answering our query, he submits that there is no medical document pertaining to the victim or her minor child and that there had been no recovery of offending weapon. Let the documents, as submitted, be kept on record.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, it appears that there had been a matrimonial dispute between the petitioner no.4 and the victim since 30th June, 2021 and 156(3) application was preferred by the victim about six months thereafter. Considering the nature of accusations and the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow the prayer for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Hashi Rani Bhowmick, Soma Bhowmick, Ashutosh Bhowmick** and **Bashutosh Bhowmick** 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, 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 with a further condition that the petitioner nos. 3 and 4 shall meet with the Investigating Officer of the case once a week till investigation is complete.

It is further directed that the petitioners shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 72 of 2022 is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)