

22.03.2022

Sl. 78
Court No.29
Sc/SD
(Allowed)

C.R.M. (A) 789 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **14.02.2022** in connection with **Bardhaman Women** P. S. Case No. **57** of **2022** dated **08.02.2022** under Sections **498A/323/34** of the Indian Penal Code.

And

In the matter of: Parbati Debnath @ Parborti Debnath & Ors.
....petitioners.

Mr. Bikram Banerjee
Mr. Sudipta Dasgupta
Mr. Arkadeb Biswas
Mr. Arka Nandi

...for the petitioner.

Mr. Arijit Ganguly
Mr. Avik Ghatak

...for the State.

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that the police complaint was lodged subsequent to the petitioners approaching the Hon'ble High Court for police inaction. He refers to the order dated March 3, 2022 passed in WPA 1980 of 2022.

Learned advocate appearing for the State draws attention of the Court to the statement of the husband of the defacto complainant recorded under Section 161 of the Code of Criminal Procedure.

Apparently, there are family disputes amongst the private parties. The petitioner nos.1, 2 and 3 approached the Hon'ble High Court by way of WPA 1980 of 2022 in which an order dated March 3, 2022 was passed. The police complaint is dated February 8, 2022 and subsequent to the filing of WPA 1980 of 2022.

In such circumstances, the possibility of the petitioners being falsely implicated in view of the earlier writ petition, cannot be ruled out. Consequently, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners 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 and on condition that the petitioner nos.4 and 5 will report before the Investigating Officer once a month till conclusion of the investigation. The petitioner nos.1, 2 and 3 will cooperate with the investigation and on further condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 789 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)