

**CRM (A) 989 of 2022**

In re: An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 22.02.2022 in connection with Tehatta Police Station Case No. 94 of 2022 dated 10.02.2022 under Sections 498A/323/307/34 of the of the Indian Penal Code.

-And-

In the matter of : **Raju Biswas & Ors.**

**... ..Petitioners**

Mr. Asraf Mandal, Advocate

... .. For the Petitioners

Ms. Sreeparna Das, Advocate

... .. For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated.

Learned Advocate appearing for the petitioners draws the attention of the Court to the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure.

Considering the fact that the complaint was lodged within seven years of marriage and considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we are unable to grant anticipatory bail to the husband being petitioner no. 1 (Raju Biswas). However, we are inclined to grant anticipatory bail to petitioner nos. 2 (Samar Biswas) and 3 (Sumitra Biswas).

Accordingly, we direct that in the event of arrest, the petitioner nos. 2 (Samar Biswas) and 3 (Sumitra Biswas) 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 petitioner nos. 2 (Samar Biswas) will report before the Investigating Officer once in a fortnight

till the conclusion of the investigation and petitioner no. 3 (Sumitra Biswas) will cooperate with the investigation and on condition that the petitioner nos. 2 (Samar Biswas) and 3 (Sumitra Biswas) shall appear before the Court below and pray for regular bail within four weeks from date.

The prayer for anticipatory bail is partly allowed.

CRM (A) 989 of 2022 is disposed of.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**