

08.06.2022.
78.
Ct.No.28
as
(Allowed).

C.R.M. (A) 2173 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Dhantala P. S. Case No.233 of 2022 dated 20.04.2022 under Sections 498(A)/325/308/34 of the Indian Penal Code.

In the matter of : Bappa Sarkar & Ors.

... Petitioners.

Mr. Shibaji Kr. Das,
Ms. Ruspa Sreemani.

...for the Petitioners.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that they are in laws of the victim housewife and did not reside at the matrimonial home of the victim. They also did not play any role in the matrimonial life.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegation of torture requires to be assessed in the light of the aforesaid submissions that the petitioners did not ordinarily reside in the matrimonial home and keeping in mind the extent of complicity of the petitioners in the alleged crime, we are inclined to grant anticipatory bail to him.

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 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 appear before the court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)