

13.06.2022

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Allowed

C.R.M.(A) 2591 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Karimpur Police Station Case No. 115 of 2022 dated 23.05.2022 under Sections 498A/307/406/34 of the Indian Penal Code.

And

In Re : Samir Kumar Biswas & Ors. petitioners

Mr. Asraf Mandal

.....for the petitioners

Ms. Kum Kum Mitra

....for the State

We have considered the materials on record. Allegation of torture requires to be assessed in the light of the submission that the instant case is in retaliation to an application for recovery of the minor child of the couple. Keeping in mind the aforesaid fact and as the allegation of attempt to murder the housewife is not supported by medical evidence, we are inclined to 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/- 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 condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that the

petitioner no. 1 shall meet the investigating officer once in a week until further orders.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)