

07.07.2022
Serial no.32
Aloke

CRM (A) 3209 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Falta Police Station Case No. 104 of 2022 dated 04.05.2022 under Sections 342/328/307/34 of the Indian Penal Code.

-And-

In the matter of : **Asura Midde @ Asura Middya**

... .. Petitioner

Mr. Tapodip Gupta, Advocate
Mr. Pradip Kr. Kundu, Advocate

... .. For the Petitioner

Mr. Suman De, Advocate
Mr. Soumen Chatterjee, Advocate
Mr. Rakseh Singh, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the son of the petitioner and the de facto complainant were in a relationship. The police complaint was lodged after the relationship turned sour. He submits that the son of the petitioner was granted anticipatory bail by the jurisdictional Court. The prayer of the petitioner was turned down.

Learned Advocate appearing for the State draws the attention to the medical report of the victim and her statement recorded under Section 164 of the Code of Criminal Procedure.

In her statement, the victim acknowledges a relationship between the victim and the son of the petitioner. She claims that after the petitioner and her husband poured poison on her, they took her to the hospital for treatment.

Considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, the gravity of the offence and the involvement of the petitioner therein, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 the petitioner shall cooperate with the investigation and on further condition that the petitioner shall appear on every date 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 3209 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)