

07.07.2022
Serial no.36
Aloke

CRM (A) 3213 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No. 223 of 2022 dated 23.06.2022 under Sections 498A/325/34 of the Indian Penal Code.

-And-

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

... .. Petitioners

Ms. Minoti Gomes, Advocate
Mr. Asraf Mandal, Advocate

... .. For the Petitioners

Mr. Bidyut Kr. Roy, Advocate
Ms. Rita Datta, Advocate
Mr. Md. Ziaur Rahaman, Advocate

... ...For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated. The husband of the de facto complainant wanted partition of the immovable properties. On failure to get his desired goal, the present police case was filed falsely implicating the petitioner. The de facto complainant is not making allegations as against her husband.

Learned Advocate for the State draws the attention to the materials in the case diary.

The contention of the petitioners at this stage cannot be over looked.

Considering the fact that the allegations as against the petitioner are omnibus in nature and considering the fact that the de facto complainant did not implicate her husband, 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/- (Rupees Ten Thousand Only) 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 the petitioners shall meet the Investigating Officer as and when called for till the conclusion of the investigation and on further condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is allowed.

CRM (A) 3213 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)