

18.07.2022

Serial no. 40

[Dd]

(Anticipatory Bail)

(**Partly Allowed**)

CRM (A) 3413 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **331** of **2022** dated **29.04.2022** under Sections **498A/323/307/34** of the Indian Penal Code

-And-

In the matter of : **Prasenjit Chakraborty & Ors.**

... .. Petitioners

Mr. Soumyajit Das Mahapatra,
Mr. Ali Ahsan Alamgir,
Ms. Riya Das,
Ms. Rabia Khatoon,
Mr. Atarul Haque Molla, Advocate
... .. *For the Petitioners*

Mr. Imran Ali,
Ms. Debjani Sahu, Advocates
... ..*For the State*

Petitioners prays for anticipatory bail.

Learned advocate appearing for the petitioners submits that the mother of the first petitioner lodged a police complaint against the de facto complainant. The de facto complainant is a police personnel. The de facto complainant misused her official position.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the injury report of the de facto complainant.

Considering the injury report of the de facto complainant and the materials in the case diary, we are not inclined to grant anticipatory bail to petitioner no. 1 (Prasenjit

Chakraborty), who is the husband of the de facto complainant.

So far as the other petitioners are concerned, we are inclined to grant anticipatory bail to them, i.e. petitioner no. 2 (Brajanath Chakraborty) and petitioner no. 3 (Sabita Chakraborty).

Accordingly, we direct that in the event of arrest the petitioner nos. 2 (Brajanath Chakraborty) and petitioner no. 3 (Sabita Chakraborty) 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 further condition that the petitioner no. 2 shall report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner no. 3 shall cooperate with the investigation till its completion and on further condition that the petitioner nos. 2 and 3 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 nos. 2 and 3 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is **partly allowed**.

CRM (A) 3413 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

