

16.11.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 5223 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chakulia** Police Station Case No. **266** of **2022** dated **03.09.2022** under Sections 498(A)/304(B) of the Indian Penal Code, 1860.

And

In Re : Pranay Balo & Anr.

..... petitioners

Mr. M. Nazar Chowdhury

Ms. Priyanka Saha

....for the petitioners

Mr. Tanmoy Kumar Ghosh

Ms. Pritha Paul

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the husband was taken into custody. The parents-in-law of the victim were enlarged on anticipatory bail by the Jurisdictional Court.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.). He submits that, the police complaint was lodged within eight and half months of the marriage.

The parents-in-law of the victim were enlarged on anticipatory bail by the Jurisdictional Court considering the respective age and the ailment of her parents-in-law.

There are materials in the case diary implicating the first petitioner.

In such circumstances, we are unable to grant anticipatory bail to the petitioner no. 1 (Pranay Balo).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 1 is concerned.

So far as the second petitioner is concerned, we grant anticipatory bail to the petitioner no. 2 (Sukumar Biswas).

Accordingly, we direct that in the event of arrest the petitioner no. 2 shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner no. 2 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 no. 2 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)