

15.03.2023
Serial no. 22
[Dd]
(Anticipatory Bail)
(Allowed)

CRM (A) 1080 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **101** of **2023** dated **23.01.2023** under Sections **498A/325/307/354/34** IPC and **3/4** of the D.P. Act.

-And-

In the matter of : **Avijit Das @ Maheswar Das & Ors.**
... .. **Petitioners**

Md. Sarwar Jahan,
Mr. Maidul Islam Kayal,
Mr. Sumit Naskar, Advocates
... .. *For the Petitioners*

Ms. Faria Hossain,
Ms. Baisali Basu,
Ms. Mamata Jana, Advocates
... .. *For the State*

The claim of torture, apparently, as appears from the contents of the written complaint took place at the paternal home of the de facto complainant.

The claim of assault by an iron rod on the de facto complainant remains uncorroborated pursuant to absence of any medical report.

In such circumstances, 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

further condition that the petitioner nos. 1 and 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 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) 1080 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)