

01.08.2023

SL. 19

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 1541 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kotwali** Police Station Case No. **280 of 2022** dated **30.04.2022** under Sections **498A/325/313/307/34** of the IPC and Sections **3/ 4** of the D.P. Act.

And

In the matter of: **Tanumoy Mondal & Ors.**

....petitioners.

Mr. Ayan Bhattacharya

Mr. Soumya Basu Roy Chudhuri

Mr. Shamik Chatterjee

Ms. Ritu Das

Mr. Aditya Bikram Mahata

Mr. Sahil Kabir

...for the petitioners.

Mr. Saswata Gopal Mukherji, PP

Mr. Aniket Mitra

...for the State.

Mr. Satadru Lahiri

...for the de facto complainant.

Mr. Kallol Mondal

...for the Mediator.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed by them including the statement of the victim and her son recorded under Section 164 Cr.P.C. and injury report etc.
3. From the materials on record, we do not find *prima facie* offence under Sections 313 and 307 IPC. So far as other offences are concerned the sentence is within seven days.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of offence, the fact that there is always hope of compromise in matrimonial disputes and such compromise is always in the interest of the family and society and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the aforesaid P.S. case on

such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that i) the petitioner No. 1, Tanumoy Mondal, petitioner No. 3, Ashok Mondal, petitioner No. 4, Amumay Mondal and petitioner No. 5, Subhamay Mondal are directed appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.; ii) the petitioner No. 2, Manju Mondal is directed to appear before the I.O. for the purpose of investigation as and when required from sunrise to sunset.

5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 1541 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

