

09.06.2023

Item no. 21

Ct.29

(Suvendu)

C.R.M. (A) No.2184 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Belghoria Police Station Case No.251 of 2023 dated 16.05.2023 under Sections 498(A)/323/354/376/406/506/34 of the Indian Penal Code.

And

In the matter of:- Manoj Biswas & Anr. ... Petitioners

Mr. Shibaji Kumar Das

Ms. Suranjana Bhattacharyya

.. for the petitioners

Mr. Pravas Bhattacharya,

Ms. Kum Kum Mitra

..for the State

1. Heard learned Counsel appearing for the parties.
2. The petitioner no. 2 is the sister of the husband of the victim wife. The petitioner no. 1 is the husband of the petitioner no. 2.
3. So far as offence under Sections 354/376 IPC are concerned, it is alleged that when the victim was changing her cloth her husband, father-in-law and brother-in-law (petitioner no.1) entered into her room and ravished her. Same statement has been repeated by the victim in her statement recorded under Section 164 Cr.P.C.
4. Though not believable *per se* from societal point of view it is for the trial court to decide on the basis of evidence adduced. So far as offence under Sections 498A/323/406/506/34 IPC are concerned, the statement of the witnesses including victim

show that the allegation is omnibus in nature. Investigation is stated to have progressed substantially.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, question of parity and substantial progress in the investigation, it is directed that the petitioners shall be released on bail by the Arresting Officer in the event of their arrest 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 shall appear before the I.O. once in a week on the day and time fixed by the I.O. till the submission of F.F.; ii) the petitioner no. 2 being a lady shall appear before the I.O. for the purpose of investigation as and when required.
6. Within 21 days of the receipt of server copy or certified copy of this order, each of the petitioners are directed to appear before the I.O along with a copy of this order.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **C.R.M. (A) 2184 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

