

04.07.2023

Sl. 39

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2351 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Debra** Police Station Case No. **211 of 2023** dated **16.04.2023** under Sections **498A/323/325/307/379/354B/506/509/34** of the IPC.

And

In the matter of: **Sk. Aminul Islam & Anr.**

....petitioners.

Mr. Prabir Kr. Mitra

Mr. Pinak Kr. Mitra

Ms. Ariba Shahab

...for the petitioners.

Mr. Imran Ali

Ms. Sutapa Banerjee

...for the State.

1. Heard learned Counsel for both the parties.
2. The petitioners are father-in-law and brother-in-law of the informant wife. It is fairly submitted at the Bar that the entire family is staying in common mess. Some days prior to the occurrence the daughter-in-law (informant) had assaulted her mother-in-law on the issue of demand of property and as found from page 9 of the present petition a complaint was filed before the police over the issue but in vein. Three days thereafter, the present complaint is alleged to have been filed by the daughter-in-law.
3. The injury report shown to us by learned Counsel for the State does not make out a *prima facie* offence under Section 307 IPC (our view is tentative on the basis of police papers and learned Trial Court is requested not to be influenced by them).
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners and substantial progress in the investigation, it is directed that each of the

petitioner 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 in connection with Debra P.S. case No. 211 of 2023 dated 16.04.2023.

5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 3 weeks of the receipt of server copy or certified copy of this order, the petitioners are directed to appear before the I.O. alongwith a copy of such order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2351 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

