

18.07.2023
ML.107+110
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2502 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Berhampore** Police Station Case No. **590 of 2023** dated **10.05.2023** under Sections **498A/376/34** of the IPC.

And

In the matter of: **Sukrit Pal**

....petitioner.

Mr. Mokaram Hossain
Mr. Angshuman Chakraborty
Mr. Shashanka Sekhar Saha
Mr. Sandipan Maity

...for the petitioner.

Mr. Bidyut Kr. Roy
Ms. Rita Datta

...for the State.

With

C.R.M. (A) 2505 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Berhampore** Police Station Case No. **590 of 2023** dated **10.05.2023** under Sections **498A/376/34** of the IPC.

And

In the matter of: **Soham Pal**

....petitioner.

Mr. Mokaram Hossain
Mr. Angshuman Chakraborty
Mr. Shashanka Sekhar Saha
Mr. Sandipan Maity

...for the petitioner.

Mr. Saswata Gopal Mukherji, PP
Mr. Imran Ali
Ms. Debjani Sahu

...for the State.

1. Heard learned Counsel for both the parties.
2. As both these anticipatory bail applications arises out of the same P.S. case, they are taken up for disposal by this common order with consent by learned Counsel for the parties.
3. The petitioner in CRM (A) 2502 of 2023 is the husband of the

victim wife and the petitioner in CRM (A) 2505 of 2023 is the brother-in-law of the victim wife.

4. Considered the materials placed by the learned Counsel for the parties including the statement of the victim recorded under Sections 161 and 164 Cr.P.C. So far as allegation under Section 376 IPC is concerned, in her statement recorded under Section 161 Cr.P.C. the victim has made allegation against the brother-in-law, i.e., petitioner in CRM (A) 2505 of 2023 where as in her statement recorded under Section 164 Cr.P.C. the victim has made such allegation against her husband who is petitioner in CRM (A) 2502 of 2023.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and genesis of events as submitted at the Bar, material contradictions as indicated (Supra) 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.
6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today each of the petitioners 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 applications being **CRM (A) 2502 of 2023** and **CRM (A) 2505 of 2023** are disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

