

14.07.2023
tkm/ct 28
sl no. 11

C.R.M. (A) 2700 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Phoolbagan P.S case no. 69 of 2023 dated 15.4.2023 under sections 498A/406/307/506/354B/354D/34 IPC read with section 3 and 4 of the DP Act

And

Allowed

In Re : Rampyare Prasad & Ors. petitioners

Mr. Ayan Bhattacharya
Ms. Ritu Das

..... for the petitioners

Mr. S G Mukherjee, Id PP
Mr. P P Das
Ms. Eshita Dutta

..... for the State

Mr. Bibek Chatterjee
Mr. T Chakraborty
Ms. P Sahu
Ms. S Saha
Ms. M Mukherjee

..... for the de facto complainant

It is submitted on behalf of the petitioners that there was a matrimonial dispute between the de facto complainant-wife and her husband and in-laws. As a result, they have been falsely implicated in the case. They pray for anticipatory bail.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Learned lawyer for the de facto complainant submits that the housewife was tortured and petitioners have not cooperated with investigation. Streedhan articles have not been recovered.

We have perused the allegations in the FIR particularly with regard to assault and attempt to murder the victim lady on 3.3.2023. Immediately after the incident on 3.4.2023 a complaint

was lodged at Powai P.S Mumbai. It is significant to note that the allegations in the present letter of complaint do not form a part of the report before the Powai PS. Credibility of the allegations requires to be assessed in the light of the aforesaid circumstances. Medical report placed before us shows that the assault on the neck was by the husband alone.

Keeping in mind the aforesaid circumstances, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- 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.

Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM (A) 2700 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)