

25.08.2023
ML. 468
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3287 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bhabanipur** P.S. Case No. **17 of 2022** dated **31.01.2022** under Sections **341/323/354/376/307/506/34** of the IPC pending before the learned ACJM-II, Haldia.

And

In the matter of: **Mithilesh Kumar Shaw & Anr.**

....petitioners.

Mr. Biswajit Manna

...for the petitioner.

Mr. S. S. Imam

Mr. R. Jana

...for the State.

1. Heard learned Counsel for both the parties.
2. The present petitioner No. 1 is the brother-in-law of the informant and the present petitioner No. 2 is the friend of petitioner No. 1. The informant had earlier filed a case against her husband and members of family of her in-laws for offence under Section 498A IPC and other allied offences in the year 2022 in Haldia P.S. In the present case it is alleged that when the informant joined in her service and while she was returning from the Haldia Court the present petitioner intercepted her and took her forcibly to the matrimonial home.
3. It is fairly submitted at the Bar that the informant having declined medical examination, there is no injury report on record and offence under Section 307 IPC is as such not attracted at least *prima facie*. The offence under Section 376 IPC is against father-in-law who is not before us. So far as allegation regarding offence under Section 354 IPC is concerned it is at the fringe.
4. Charge-sheet is stated to have been filed.
5. Regard being had to facts and submissions, factum of permanent residence of the petitioners, nature of allegation and completion

of investigation, it is directed that each of the petitioner shall surrender before the learned Additional Chief Judicial Magistrate – II, Haldia within 15 days from today in the G.R. case arising out of aforesaid P.S. case.

6. On their appearance and application for bail each of the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
7. The learned ACJM-II is directed to act upon the server copy of this order, if required.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 3287 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

