

25.08.2023  
M/L 492  
Ct. No.29  
(Allowed)  
(SKB)

**CRM (A) 3312 of 2023**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Polba P. S. Case No.157 of 2023 dated 09.07.2023 under Sections 498A/325/326/307 of the Indian Penal Code.

And

In the matter of : Bablu Roy and others

... Petitioners

Mr. Sudip Ghosh Chowdhury,  
Ms. Bina Baidya,  
Ms. Shreejeta Mitra

... for the petitioners

Mr. Joydeep Roy,  
Ms. Sujata Das

... for the State

1. Heard the learned Counsel for the parties.
2. The present petitioners are father-in-law, mother-in-law and brother-in-law of the informant respectively. From the statement of the informant recorded under Section 161 Cr.P.C. and her statement before the Medical Officer who examined her on police requisition, it is found that one unknown person assaulted her with a 'lathi' when she was cleaning utensils sitting on the embankment of the pond. Thereafter the present FIR has been lodged. From such statement on record, we do not find any proximate relationship of the present petitioners so far as the alleged assault is concerned, though the victim has

sustained some fracture injury on her right arm besides other simple injuries.

3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, the fact that there is always hope of compromise in matrimonial disputes and such compromise is always in the interest of the family and society 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 including the conditions:
  - i) The petitioner nos.1 and 3 are directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
  - ii) The petitioner no.2 being a lady is directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.
  - iii) The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
4. Accordingly, the prayer for the anticipatory bail is allowed.

5. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
6. The application being CRM(A) 3312 of 2023 is disposed of.
7. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

**(Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**