

22.09.2023
M/L 273
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3881 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kaliachak P. S. Case No.1092 of 2023 dated 12.08.2023 under Sections 323/307/376/511/498A/34 of the Indian Penal Code (G.R. No.5457 of 2023).

In the matter of : Naym Sk @ Md. Nayim Sk and Anr.
... Petitioners

Mr. Abhimanyu Banerjee,
Mr. Arnab Saha
... for the petitioners

Mr. Debabrata Chatterjee, ld. APP
Mr. Santanu Chatterjee,
Ms. Moushumi Sarkar
... for the State

1. Heard learned advocates for the parties.
2. The instant case arises out of a matrimonial dispute. The petitioner no.1 is the husband and petitioner no.2 is the brother-in-law of the victim lady who is the informant in this case.
3. We have perused the statements of the witnesses recorded under Section 161 Cr.P.C. as well as the statement of the victim/informant recorded under Section 164 Cr.P.C. From the statement of the victim, we find there is some allegation as against the present accused petitioner no.2 to the effect that he made an attempt to touch the person of the victim/informant. There are some other allegations with regard to the alleged torture against both the petitioners but, *prima facie*, those appear to be omnibus in nature.
4. 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 G.R. Case No.5457 of 2023 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

5. Accordingly, the prayer for the anticipatory bail is allowed.
6. 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.
7. The applications being CRM(A) 3881 of 2023 is disposed of.
8. 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.)