

15.09.2023

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[ALLOWED]

C. R. M. (A) 3889 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nandakumar Police Station Case No. 273 of 2023 dated 23.07.2023 under Sections 307/323/325/341/379/506 of the Indian Penal Code.

In Re: ***Supal Hazra & Ors.***

... ... Petitioners

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

... ... for the petitioners

Mr. Joydeep Roy, Id. Jr. Govt. Adv.,
Mr. Amanul Islam.

... ... for the State

1. Petitioners submit petitioner no.5 is the wife of the de-facto complainant. She was tortured and driven out from the matrimonial home. Various proceedings have been instituted by her. In retaliation, petitioners have been falsely implicated. They pray for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail. He submits victim suffered head injury.

3. We have considered the materials on record. Petitioner nos.1 to 4 are in-laws of the de-facto complainant. Petitioner no.5 is his wife. Petitioner no.5 was driven out from the matrimonial home. Criminal case alleging cruelty and other proceedings have been instituted against de-facto complainant. Possibility of false implication on such score cannot be ruled out.

4. Hence, we are inclined to grant anticipatory bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and they shall appear before the court below and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)