

03.10.2023
D/L 34
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3965 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Cokeoven P. S. Case No.120 of 2023 dated 08.08.2023 under Sections 448/323/354/494/495/506/120B of the Indian Penal Code (G.R. Case No.1408 of 2023).

In the matter of : Saswati Biswas and others
... Petitioners

Mr. Amit Ranjan Pati
... for the petitioners

Mr. Debopam Roy,
Mr. Sarangam Chakraborty
... for the defacto complainant

Mr. Tanmoy Kr. Ghosh,
Ms. Sonali Bhar
... for the State

1. Heard learned counsel for the parties.
2. The petitioner no.1 is the wife of the informant and others are her family members. Admittedly, there was a registered marriage between the informant and the petitioner no.1 but no social function of marriage followed. Subsequently, in December, 2022, the informant instituted a suit for nullity of his marriage with petitioner no.1. Thereafter, the present FIR has been lodged alleging that the petitioners threatened the informant after institution of that suit with dire consequences.
3. Learned counsel for the informant submits that the conduct of the present petitioner no.1 is such that during subsistence of the informant's marriage, she had lodged the FIR against 7 family members of the informant.

4. Be that as it may, such things are bound to happen when trust in a relationship falls apart but we do not find any justification of custodial interrogation of the petitioners in the present case.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation 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.1408 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.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. 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.
8. The applications being CRM(A) 3965 of 2023 is disposed of.
9. 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.)