

03.10.2023  
D/L 64  
Ct. No.29  
(Allowed)  
(SKB)

**CRM (A) 3997 of 2023**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Murutia P. S. Case No.192 of 2023 dated 05.07.2023 under Sections 498A/376/511/307/406/34 of the Indian Penal Code in SL. No.1350 of 2023.

In the matter of : Mithun Malitha and another  
... Petitioners

Mr. Asraf Mondal  
... for the petitioners

Mr. Imran Ali,  
Ms. Sutapa Banerjee  
... for the State

1. Heard learned counsel for the parties.
2. The petitioner no.1 is the husband and the petitioner no.2 is brother-in-law (husband's brother) of the informant/victim wife.
3. We have perused the statement of the victim as recorded under Section 164 Cr.P.C. where though there is an allegation of committing offence under Section 376/511 IPC against the petitioner no.2 but those are at the fringe. It is fairly submitted at the Bar that the victim sustained no injuries. From the materials available in the CD, we find some other incriminating materials as against both the petitioners to attract the provision under Section 498A but in our considered view, those are basically omnibus in nature.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of injury as discussed supra 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.
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) 3997 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.)**