

09.10.2023
as/tkm/ct 28
spl no. 18

C.R.M. (A) 4561 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ratua P.S case no. 450 of 2022 dated 14.8.2022 under sections 143/341/325/307/379/435 IPC
And

Allowed

In Re : Dulal Hossain @ Dulal Hossein & Ors. petitioners

Mr. Kallol Mondal
Mr. K Roy
Mr. S Das
Mr. A Banerjee
Ms. Roma Roy

..... for the petitioners

Mr. Soumik Ganguly

..... for the State

1. Petitioners submit that sister of petitioner no. 1 and 2 along with minor children were driven out from her matrimonial home. She took refuge at the house of petitioner no. 1 and 2. Her in-laws came to their residence to snatch the child. A commotion ensued. Petitioners were injured. Case and counter case have been registered. They pray for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Sister of petitioner no. 1 and 2 was driven out with her minor children from her matrimonial home. Over the custody of the minor, a dispute ensued. Both the parties suffered injuries.
4. Having considered the injuries on the victims in the light of the aforesaid circumstances we are of the opinion petitioners had not intended to murder anyone but may at its height have exceeded their right to private defence.

5. Under such circumstances, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.
6. Accordingly, we direct that in the event of arrest, the petitioners shall 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 be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.
7. Petitioners shall appear before the court below and pray for regular bail within four weeks from date.
8. The application being CRM (A) 4561 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)