

02.01.2023

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 6039 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Shibpur** Police Station Case No. **354** of **2022** dated **02.11.2022** under Sections 498A/406/306/34 of the Indian Penal Code, 1860.

And

In Re : Mrinmoy Dutta & Anr.

..... petitioners

Mr. Joydeep Bhattacharya

....for the petitioners

Mr. S. G. Mukherjee, learned Public Prosecutor

Mr. Aniket Mitra

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statement of the child of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

The first petitioner (Mrinmoy Dutta) is the husband of the married sister-in-law of the victim.

The second petitioner (Sarbani Dutta) is the sister-in-law of the victim.

The husband of the victim is in custody.

The 164 Cr.P.C. statement of the victim squarely implicates the second petitioner.

In such circumstances, we are unable to grant anticipatory bail to the second petitioner.

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 2 is concerned.

So far as the first petitioner is concerned, we grant him anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner no. 1 shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 and on further condition that the petitioner no. 1 shall meet the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioner no. 1 shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner no. 1 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)