

15.01.2024
Item No.8
Ct. No. 29
CHC
Allowed

C.R.M.(A) 84 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chatterjeehat** Police Station Case No. **233/23** dated **13.11.2023** under Sections **323/ 506/ 195A/ 354/ 376D/ 307/ 120B** of the Indian Penal Code.

And

In the matter of : Dona Banerjee @ Chakraborty & ors.
..... petitioners

Mr. Prabir Mitra,
Mr. Pinak Mitra,
Mr. S. Ghosh
....for the petitioners

Mrs. Anusuya Sinha,
Mr. Subham Bhakat
....for the State

Mrs. Aiswarjya Gupta
....for the de facto complainant

Petitioners pray for anticipatory bail.

Petitioners before us are in-laws of the de facto complainant.

State and the de facto complainant are represented.

The de facto complainant initiated a proceeding *inter alia* under Section 498A of the Indian Penal Code, 1860 as against the petitioners as also her husband.

In the present police case, the incident spoken of is subsequent to the initiation of the earlier proceeding by the de facto complainant.

We perused the materials in the Case Diary.

The injury report suggests that, the de facto complainant was assaulted by her husband. The husband is not the petitioner before us.

The de facto complainant and her husband recorded statements under Section 164 of the Criminal Procedure Code.

The statements gave contrary version of the incident.

Neighbours do not support the version of the de facto complainant.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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 and on further condition petitioners will cooperate with the investigation till the conclusion of the investigation and on further condition that the petitioners 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

petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 84 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)