

12.04.2024
Item No.119
Court No.28
CHC
Allowed

C.R.M. (A) 1278 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Lake Police Station Case No. 55 of 2024 dated 21.03.2024 under Sections 498A/406/34 of the Indian Penal Code, 1860, pending before the Learned Chief Judicial Magistrate, at Alipore, South 24 Parganas.

And

In Re : Hiranyanava Roy Chowdhury & anr. petitioners

Mr. Dhananjay Banerjee,
Ms. Sarbanee Chatterjee,
Ms. Oindrila Ghosh

.....for the petitioners

Mr. Binoy Kr. Panda,
Mr. Abhinaba Mukherjee

....for the State

1. Petitioner no.1 is the husband of the victim and petitioner no.2 is the mother-in-law of the victim. It is contended that there is a delay of seven months in lodging the First Information Report. Accordingly, they pray for anticipatory bail.
2. Learned lawyer for the State submits petitioners have not cooperated with the investigation.
3. We have considered the materials on record. Allegations of torture are general and omnibus in nature. There is delay in lodging the F.I.R. Under such circumstances, we are of the opinion that custodial

interrogation may not be necessary. Accordingly, we are inclined to grant anticipatory bail to the petitioners.

4. Accordingly, we direct that in the event of arrest the petitioners, namely, Hiranyanava Roy Chowdhury and Nibedita Roy Chowdhury 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 and on condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that petitioner no.1, Hiranyanava Roy Chowdhury will meet the Investigating Officer once in a month.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

