

19.04.2024
93
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 1377 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nimta** Police Station Case No. **85** of **2024** dated **09.04.2024** under Sections **498-A/34** of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate, Barrackpore, 24 Parganas (North).

And

In Re : **Sri Soumen Dian & Anr.**

..... petitioners

Mr. Dipanjan Chatterjee

Ms. Dipika Banu

Mr. Subhadip Chakraborty

Ms. Bolivia Roy

Ms. Rimpa Adhikari

...for the petitioners

Mr. Debasish Roy, Ld. P.P.,

Ms. Suchismita Dutta,

...for the State

The petitioners before us are the husband and the mother-in-law of the victim. Victim recorded a statement under Section 164 of the Cr.P.C., where she says that she committed suicide as she was assaulted by the petitioners.

The injury report of the victim shows that she suffered a bruise on the left wrist and forearm. She claimed that she was assaulted by the petitioners, before the doctor.

The police complaint was lodged after eight years of marriage.

There is no allegation of continuous torture for demand of dowry.

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/- 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. The petitioner no. 1 will report before the Investigation Officer once a month till the completion of the investigation and the petitioner no. 2 will cooperate with the investigation till the completion of the investigation. 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

