

Court No. 29
(266041)

CRM (A) 2337 of 2024

02.08.2024
(AD 26)
(S. Banerjee)

**(Partly
Allowed)**

In re: ^c An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Nalhati Police Station Case No. 358 of 2024 dated 24.06.2024 under Sections 498(A)/406/323/34 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act, 1961, pending before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum.

And

In the matter of: **Hosen Sk. @ Hossain Sk. & Ors.**
...petitioners

Md. Kutubuddin
... for the petitioners
Mr. Arnab Chatterjee
Ms. Poulami Bose
... for the State

1. The petitioner no. 1 is the husband and the petitioner no. 2 is the father-in-law. The petitioner no. 3 is the mother-in-law and the petitioner no. 4 is the married sister-in-law of the de facto complainant.
2. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
3. Pursuant to earlier direction, the statement of the victim has been recorded under Section 164 Cr.P.C. and the case diary, along with the said statement, is produced by the State in opposing the prayer for anticipatory bail.

4. Considering the materials available in the case diary, the statement of the victim recorded under Section 164 Cr.P.C., the medical examination report and the nature of injury and having regard to the fact that the victim has made specific allegation of assault by the petitioner nos. 1 and 3 by hammer, we are not inclined to grant anticipatory bail to the petitioner nos. 1 and 3.
5. Accordingly, the prayer for anticipatory bail in respect of petitioner nos. 2 and 4 stands allowed and the prayer for anticipatory bail in respect of petitioner nos. 1 (Hosen Sk. @ Hossain Sk.) and 3 (Salema Bibi) stands rejected.
6. It is directed that in the event of arrest, the petitioner no. 2 (Halim Sk. @ Abdul Halim) shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount, and the petitioner no. 4 (Meherun Bibi @ Meherun Nesa) shall be released on bail upon furnishing a bond of Rs. 5,000/- with two sureties of like amount, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
7. The petitioner no. 2 (Halim Sk. @ Abdul Halim) shall meet the investigating officer once in a week till the submission of the final report and shall appear before the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum within two weeks.

8. Accordingly, the application for anticipatory bail is allowed in respect of petitioner nos. 2 and 4; and the same is rejected in respect of petitioner nos. 1 and 3.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)