

28.08.2024
SL No.19
Court No.29
P.A. - DK
Allowed

CRM (A) 2773 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 in connection with Bolpur Police Station Case No. 214 of 2024 dated May 18th, 2024 under Sections 498A/325/307 of IPC pending before the Learned Additional Chief Judicial Magistrate, Bolpur, Birbhum.

And

In the matter of : **Achintya Biswas @ Achinta Biswas & Ors.**

- Petitioner.

Mr. Arani Bhattacharya,
....For the State.

Ms. Anasuya Bhattacharya
....For the De facto Complainant.

1. The petitioners are the in-laws of the de facto complainant.
2. Learned Counsel for the petitioners submits that due to matrimonial dispute between the de facto complainant and her husband a false complaint has been lodged in which all the family members of the husband have been roped in.
3. The Learned Counsel for the State and the de facto complainant had opposed the prayer for anticipatory bail.
4. The Learned Counsel for the State has brought our attention to the statement of the de facto complainant under Section 164 of the Criminal Procedure Code and the medical report.
5. Learned Counsel for the de facto complainant has submitted that she has been physically and mentally tortured by her in-laws.

6. Considering the material available in the case diary and the nature and extent of complicity of the petitioner in the commission of alleged offence, the nature of injury as revealed from the case and the nature of dispute between the parties we are of the view that custodial interrogation of the petitioner is not required. Moreover, charge-sheet has already been filed.
7. Accordingly, we direct that in the event of arrest, the petitioners, namely **Achintya Biswas @ Achinta Biswas, Joysna Biswas @ Jyotsna Biswas and Surojit Biswas @ Surohit Biswas** shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two registered sureties of like amount each, to the satisfaction of the arresting officer and also 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 BNSS, 2023.
8. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate, Bolpur in connection with G.R. No. 649 of 2024 within two weeks from date.
9. Accordingly, the application for anticipatory bail is disposed of.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)

