

28.10.2024
GB/srm
Crt. No.8
Sl no. 24

C.R.M. (A) 3799 of 2024

In Re : An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 22.10.2024 in connection with Kalyani Police Station Case No.729 of 2024 dated 12.09.2024 under Sections 126(2)/117(2)/118(2)/324(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

In the matter of : Dhriti Dutta & Anr.

..... Petitioners

Mr. Jayanta Narayan Chatterjee,
Mr. Sirshendu Sinha Roy,
Ms. Jayashree Patra,
Ms. Pritha Sinha

... for the Petitioners

Mr. Debasish Roy, Ld. P.P.,
Ms. Sujata Das,
Ms. Suruchi Saha

... for the State

It is submitted by the learned advocate appearing on behalf of the petitioners that a quarrel took place between the family members. One side was mother and younger son and other side was elder son and his wife. There are case and counter case. Petitioners have suffered injuries in course of quarrel. He prays for Bail.

Learned Counsel representing the State opposes the prayer for anticipatory bail.

We have considered the materials available in the case diary. The petitioner no.1 has participated active role in assaulting her mother in-law, who sustained serious and grievous injury.

In view of the above facts and circumstances, we are not inclined to allow the prayer for anticipatory bail of the petitioner no.1, whereas we are inclined to allow the prayer for anticipatory bail of the petitioner no.2 considering his involvement in the alleged offence.

Accordingly the petitioner no.2 is granted anticipatory bail.

Consequently, we direct that in the event of arrest, the petitioner no.2, namely, Haru Prasad Dutta, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two 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 read with Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner no.2 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 petitioner no.2 in court including cancelling the anticipatory bail granted without further reference to this Court and on further condition that the petitioner no.2 shall not enter the jurisdiction of the concerned police station except for investigation purpose and attending the court proceeding until further orders. Accused/petitioner shall provide the address where he shall reside to the Investigating Officer as well as Learned Court below. He shall appear before the Learned Court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail being CRM (A) 3799 of 2024 is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Biswajit Basu, J.)