

25.01.2024
Item No.438
Ct. No. 29
PG/KS
Allowed

C.R.M.(A) 5155 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali** Police Station Case No.**859** of **2023** dated **10.09.2023** under Sections **498A/ 326A/ 307/ 34** of the Indian Penal Code.

And

In the matter of : **Mr. Soumen Biswas & Ors.**

.....Petitioners.

Mr. Jaydeep Biswas
Mr. Jewel Chanda
Mr. Kaushik Ghosh

....for the Petitioners.

Mr. S. S. Imam
Mr. Asraf Mondal

....for the State.

De facto complainant recorded a statement under Section 164 of the Code of Criminal Procedure, where she claims that she was a victim of acid attack at the instance of her husband and the father-in-law.

Injury report states that there was no external injury on the victim.

Apparently, petitioner nos.6 and 7 are residents of Ambala and were not present at the time and place of occurrence.

In view of the materials in the case diary implicating the petitioner nos. 1 and 2 in the torture being meted out to the de

facto complainant, we are unable to grant anticipatory bail to the petitioner nos.1 and 2.

So far as the other petitioners are concerned, we grant them anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner nos.3 to 7 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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 further condition that the petitioner nos.5 and 7 will report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner nos.3, 4 and 6 will cooperate with the investigation and on condition that the petitioner nos.5 and 7 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.

C.R.M.(A) 5155 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

