

26.11.2024
SL. 19
Court No. 28
Suvayan/
Sourav
(Allowed)

C.R.M. (A) 4099 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Pukhuria** Police Station Case No. **535 of 2024** dated **13.09.2024** under Sections **498A/ 323/ 376/ 511/ 307/ 379** of the IPC read with Sections **4** of the D.P. Act corresponding to G.R. Case No. **2706 of 2024**.

And

In the matter of: **XXXX & Ors.**

....petitioners.

Mr. Md. Golam Nure Imrohi

...for the petitioners.

Mr. Sagar Saha

Mr. N. Seikh

...for the *de facto* complainant.

Mr. Imran Ali

Ms. Baishakhi Chatterjee

...for the State.

1. Petitioners submit that the petitioner No. 1 is the husband and the petitioner Nos. 2 to 5 are the in-laws of the victim lady. There is a matrimonial dispute between the victim and the petitioner No. 1. Out of grudge they have been falsely implicated.
2. Learned Advocate for the State opposes the prayer and submits that petitioner No. 5 attempted to rape the victim.
3. Learned Advocate for the *de facto* complainant submits there is an earlier criminal case is pending against the petitioners alleging cruelty.
4. We have considered the materials on record. There is a matrimonial dispute between the petitioner No. 1 and the victim lady. A criminal case alleging cruelty is pending trial. In this background registration of the subsequent case appears to be an afterthought. There is a two month delay in lodging the FIR. There is no chance of abscondance.
5. Under such circumstances, we are inclined to grant

anticipatory bail to petitioners.

6. Accordingly, we direct that in the event of arrest, the petitioners viz., XXXX and others 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 subject to the conditions as laid down under Section 482(2) of the BNSS. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.
7. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)