

Crl. Misc. Case No.495/2022 (R-501/2022)

Arising out of Gopiballavpur P.S. Case 109/2022 dated 11/11/2022 u/s 498A/307 of I.P.C.

**Present : Smt. Sutanuka Nag
Dist. & Sessions Judge, Jhargram
J.O. Code : WB01248**

Order No.02 dt. 22/11/2022

Today stands fixed for hearing of the instant Criminal Misc. Case. C.D. is received.

The record is now taken up for hearing and order.

This is an application u/s 438 Cr. P.C. filed by the petitioners namely **Biswajit Ojha, Lombodar Ojha and Arati Ojha** in connection with Gopiballavpur P.S. Case No.109/2022 dt. 11/11/2022 u/s 498A/307 of I.P.C. in connection with G.R. Case No.1158/2022.

It is submitted by the Ld. Defence Counsel that the petitioner no.1 is the husband, Petitioner no.2 is the father-in-law and petitioner no.3 is the mother-in-law of this case. He further submits that petitioners are F.I.R. named and the accused petitioners are completely innocent and have been falsely implicated in the said case. He also submits that there is no allegation of dowry demand in connection with the said marriage. He further submits that there is no ingredients u/s 307 of I.P.C. and the said section has been added only to make this Sessions Triable one. The allegation is completely stereo type one. He further submits that no application u/s 438 of Cr. P.C. has yet been preferred before or rejected by any superior court in connection with this case.

Ld. P.P. on the other hand raises vehement objection categorically stating that the accused petitioners have come before the court at the very initial stage of investigation and as the investigation is still going on and there is every possibility of hampering the investigation and tampering the evidence if they are enlarged on bail and further more custodial interrogation is necessary.

Perused the L.C.R. and the case diary as well as the materials available thereon and on perusal of the same I find that there are sufficient materials against the accused petitioners furthermore the medical papers annexed with the case diary also indicates the involvement of the accused petitioners in the said case. Moreover, the investigation is in the inceptional stage and as such I do not find it a fit case for granting anticipatory bail.

Hence, the prayer for bail of the accused petitioners u/s 438 of Cr. P.C. namely **Biswajit Ojha, Lombodar Ojha and Arati Ojha** stands **rejected**.

Let a copy of this order be sent to Ld. ACJM, Jhargram and I.O. of this case for information.

The Crl. Misc. Case is thus disposed of.

C.D. & L.C.R. be returned.

Dicct. And Corrt. by me,

Sd/-

Sessions Judge, Jhargram

Sd/-

Sessions Judge, Jhargram