

03.09.2020

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BR/AGM
Ct. No.11

Allowed

**CRM 5951 of 2020
CRAN 4392 of 2020
(Via Video Conference)**

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pandabeswar P.S. Case No. 49/2020 dated 14.07.2020 under Sections 498A/323/325/307/406/34 of the Indian Penal Code read with Sections 3 /4 of the Dowry Prohibition Act, G.R. Case No. 844 of 2020.

And

In the matter of : **Rahul Badyakar & Anr**

..... Petitioners

Mr. Kunal Ganguly

.... for the Petitioners

Mr. Md. Anowar Hossain,

...for the State.

The petitioners undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

By an order dated 24.8. 2020 the Co-ordinate Bench was pleased to pass directions, pursuant to which the petitioner No. 1 has surrendered, as informed by the learned advocate for the petitioners and conceded by the learned advocate for the State. Thus, the prayer for anticipatory bail of petitioner no. 1 (Rahul Badyakar) is dismissed as not pressed. Thereafter, we have taken into account the materials against the petitioner no. 2.

Having due regard to the order dated 24.8.2020 and the complicity of the present petitioner, we are of the opinion that custodial

detention of the petitioner may not be warranted in the facts and circumstances of the instant case.

As such, the prayer for anticipatory bail of the petitioner no. 2 (Sulochana Badyakar) is allowed.

In the event of arrest, the petitioner shall be released on furnishing bond of Rs.10,000/- (rupees ten thousand only) with two sureties of Rs.5000/- (rupees five thousand) to the satisfaction of the arresting officer or the investigating officer of the case and on condition that the petitioner shall not tamper with the evidence or intimidate the witnesses.

The aforesaid order of anticipatory bail shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

With these observations, CRM 5951 of 2020 and CRAN 4392 of 2020 are disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)

