

16.09.2020

Item No.36

Court No.08

Dc/Aj.

Partly Allowed

C.R.M. 6581 of 2020
C.R.A.N. 1 of 2020
(Through Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No. 211 of 2020 dated 01.03.2020 under Sections 498A/325/307/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act corresponding to G.R. Case No. 711 of 2020.

And

In the matter of : Abdula Sk. @ Abdulla Sk. & Anr.
... Petitioners.

Mr. Mrityunjoy Chatterjee,
Mr. G.N. Imrohi. ... For the Petitioners.

Mr. Imran Ali,
Mr. M.F.A. Begg. ... For the State.

Petitioners undertake to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned counsel appearing on behalf of the petitioners submits that the application is not pressed so far as the petitioner no. 2 is concerned since she has already been arrested.

Accordingly, the application is dismissed as not pressed so far as the petitioner no.2 is concerned.

Learned counsel for the petitioner no.1 submits that the petitioner is the 66 years old father-in-law of the victim/de-facto complainant. Marriage between the couple

took place about three years ago. This case was started without making the husband a party. The petitioner has been falsely implicated in connection with this case.

Learned counsel appearing on behalf of the State opposes the prayer for bail. However, he submits that there is no injury report available in respect of the victim.

Considering the nature of allegations and the alleged role ascribed to the petitioner no.1, we do not think that custodial interrogation of the petitioner no.1 is required in this case. Hence, we allow the application for anticipatory bail so far as the petitioner no.1 is concerned.

Accordingly, we direct that in the event of arrest, the petitioner no.1 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 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 no.1 shall meet the Investigating Officer as and when required.

C.R.M. 6581 of 2020 and C.R.A.N. 1 of 2020 are disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)

(Soumen Sen, J.)