

C.R.M. 6701 of 2020
I.A. No. CRAN 1 of 2020

(Via Video Conference)

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.09.2020 in connection with Bolpur P.S. Case No. 207 dated 24.08.2020 under Sections 498A/323/325/307/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In the matter of: Kalua Sk. @ Ripan Sk. & Ors.

...Petitioners

Mr. Sanjib Kr. Dan
Mr. Saryati Dutta

... for the petitioners

Mr. Goutam Wilson

... for the State

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

CRAN 1 of 2020 is accordingly, disposed of.

The learned counsel for the petitioner submits that after 10 years of marriage a false complaint has been lodged against the petitioners. It is submitted that no ingredient of any charge could be visible from the record of the proceeding and accordingly the petitioner should be granted anticipatory bail.

Learned counsel for the State however opposes the prayer for anticipatory bail.

It is submitted that the complainant in her complaint has directly implicated the petitioners.

Considering the case diary and the materials-on-record and having regard to the fact that petitioner no. 1 and the complainant

have been married for 10 years and the nature of the injury are not grievous, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners 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 on further condition that petitioner nos. 1 and 2 shall meet the investigating officer once in a week until further orders and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, accordingly, allowed.

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

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)

