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21.9.2020

C.R.M. No. 6744 of 2020
C.R.A.N/1/2020

ks.

In the matter of an application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 8.9.2020 in connection with Kotulpur Police Station Case No. 71 dated 26.8.2020 under Sections 498A/323/506 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

And

In Re : Ajay Mandal, Bela Mandal, Mantu Mandal,
Mohanlal Dey & Rituparna Kundu
... Petitioners.

Mr. Navanil De

...for the petitioners.

Mr. Sudip Ghosh,
Mr. Bitosok Banerjee

...for the State.

The petitioners undertake to affirm and stamp the petition 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.

The learned Advocate for the petitioners submits that the petitioner No. 1, is the father-in-law, petitioner No.2, is the mother-in-law, petitioner No.3, is the husband, petitioner No.4, is the maternal uncle-in-law and petitioner No.5, is the married sister-in-law of the complainant. According to the learned Advocate for the petitioners the marriage was solemnised almost ten years ago and the present case is because of matrimonial discord.

The learned Advocate for the State opposes the prayer for anticipatory bail and submits that the husband used to implicate torture upon the complainant and there was demand for dowry.

We have perused the materials-on-record and assessed the nature of allegations. On consideration of the same, we are of the opinion that although the case has been made out but custodial detention of the petitioners is unwarranted in the facts of the case.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed on the following conditions.

- i. So far as the petitioner No.3, Mantu Mandal is concerned, he will meet the Investigating Officer once a week until further orders.
- ii. The prayer for anticipatory bail will remain in force for a period of eight weeks from date.
- iii. In case, the Investigating Officer/arresting Officer is compelled to arrest the petitioners, he is directed to release the petitioners on bail on furnishing a surety of Rs.10,000/- each subject to the subsequent confirmation of bail within 48 hours by the jurisdictional Magistrate.

With the above observations, CRM. 6744 of 2020
and CRAN 1/ 2020 are disposed of.

(Samapti Chatterjee, J.)

(Tirthankar Ghosh, J.)