

September 23, 2020.
rc
Item No.25/SL
Ct. No.08

C.R.M. No. 7023 of 2020
with

CRAN No. 1 of 2020

(Via Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 14.09.2020 in connection with Dinhata Women Police Station Case No. 60 of 2019 dated 05.09.2019 under Sections 498A/325/307/34 of the Indian Penal Code read with Section 3 /4 of the Dowry Prohibition Act.

And

In the matter of: Jamal Hossain & Anr.

...Petitioners.

Mr. Anindya Ghosh ...for the petitioner.

Mr. Ujjwal Luksom
Mr. Sagnik Sankar Sikdar ...for the State.

The petitioner undertakes 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.

Accordingly, the application being CRAN No. 1 of 2020 stands disposed of.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have been falsely implicated to the instant case. The petitioner number 1 is the husband of the victim housewife and the petitioner no. 2 is the elder brother-in-law of the victim housewife. It is alleged that after 11 years of marriage false complain of assault has been raised against the petitioners and their family members.

The prayer is opposed by the learned counsel appearing on behalf of the State. It is submitted that there are past incident of assault and considering the nature and gravity of the injury the prayer for anticipatory bail should not be allowed.

Learned counsel for the State, however, could not show any past incident of assault or injury inflicted upon the victim.

Considering the materials on record and the injury report and the nature of offence, we are of the opinion that the custodial interrogation of the petitioners is not necessary. Under such circumstances, prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest, the petitioners will be enlarged on bail upon furnishing security of Rs.10,000/- each with two sureties each of like amount, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station. Since the charge-sheet has already been submitted, the petitioners must attend the trial on every date fixed and any unexplained absence of the petitioners to attend the court will entitle the trial court to cancel the bail without reference to this Court.

The petitioners will also abide by the conditions laid down in Section 438(2) of the Code.

CRM No. 7023 of 2020 is allowed accordingly.

(Soumen Sen, J.)

(Saugata Bhattacharyya,J)

