

24.11.2020
Item No. 27
k.b./b.r.
allowed
Crt.11

C.R.M. 7153 of 2020
with
CRAN 1 of 2020, CRAN 2 of 2020
(via video conference)

In Re:- An application for Anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Section J-2 corresponding to New Market Police Station vide First Information Report Case No. 98 of 2019 dated 12.04.2019 for the offence punishable under Sections 498A/406/34 of the Indian Penal Code read with Sections 3 and 4 of Dowry Prohibition Act.

And

In Re : Hari Shankar Singh & Ors. petitioners

Mr. Satarup Purakayastha
Ms. Devipriya Mitra
Ms. Sangeeta Roy
Mr. Sandeep Prasad Shaw
.....for the petitioners.

Mr. Saibal Bapuli
Ms. Sayanti Santra
....for the State

Mr. Ayan Bhattacharjee
Mr. Rajesh Upadhyay
Mr. Arka Banerjee..... de facto complainant.

Petitioners undertake to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Learned advocate for the petitioner submits that the petitioner no.1 is the father-in-law, petitioner no.2 is the mother-

in-law and the petitioner no.3 is the brother-in-law of the victim. The learned advocate for the petitioner further submits that whatever recoveries are to be made by the investigating authorities have been handed over to them pursuant to an order passed by this Hon'ble Court.

Mr. Ayan Bhattacharjee, learned Counsel appearing for the de facto complainant opposes such contention and submits that the valuable are yet to be received in full.

Mr. Bapuli, learned advocate appearing for the State submits the seizure list as well as the report of the Investigating Officer.

We have perused the same including the allegations made against the petitioners and on appreciation of the same, we are of the opinion that the custodial detention of these petitioners are not warranted in the facts and circumstances of this case.

Accordingly, we direct that in the event of arrest the petitioners, viz., Hari Shankar Singh - petitioner no.1, Basanti Devi- petitioner no.2 and Samarendra Kumar-petitioner no.3 will be released on bail upon furnishing a bond of Rs.10,000/- (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 petitioners will meet with the arresting officer as and when called for.

The application for anticipatory bail is, thus, allowed.

CRM 7153 of 2020 with CRAN 1 of 2020 and CRAN 2 of 2020 stand thus disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)