

14.10.2020
Item No. 26
k.b./b.r.
A. allowed
Cr.No.12

C.R.M. 7156 of 2020 (via video conferencing)
with
I.A. No. CRAN 01 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Watgunge Women P.S. Case No. 03 dated 13th March, 2020 under Sections 498A/406/34 of the Indian Penal Code, 1860 read with Section 4 of the D.P. Act, 1961.

And

In Re : Azaz Hussain petitioner.

Mr. Abdul Jahir
.....for the petitioner.

Ms. Zareen N. Khan
Ms. Manisa Sharma
....for the State

Ms. Sudeshna Das
..... for the de facto complainant.

Petitioner undertakes 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.

The application bearing CRAN 1 of 2020 is disposed of.

The petitioner is the husband of the de facto complainant who filed an FIR against him and other matrimonial relation under Section 498A/406/34 IPC. At present the bone of contention between the parties is returned of stridhan properties of the petitioner to the de facto complainant. The de facto

complainant has alleged that the petitioner did not return her gold ornaments, one motor bike for which the petitioner took dowry of Rs.90,000/- at the time of marriage and den mohor to the tune of Rs.10,000/-.

The petitioner on the other hand contains that when the de facto complainant left her matrimonial home, she took away almost all her belongings including gold ornaments. It is also stated by the learned advocate for the petitioner that he does not have any motor bike. Therefore, question of returning motor bike does not arise at all. With regard to den mohor it is stated on behalf of the petitioner that the petitioner is ready with the draft of Rs.10,000/- being the amount of den mohor if directed it will be handed over the learned advocate for the de facto complainant.

The learned advocate for the de facto complainant candidly submits that the petitioner does have any motor bike though she alleged at the time of marriage he took dowry Rs.90,000/- to purchase a motor bike but never purchased the same. So far as the gold ornament is concerned, the de facto complainant has not come forward with any receipt of purchase of any gold ornaments before her marriage.

In view of such incident, we are inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner may be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with one surety of like amount to the satisfaction of the arresting officer subject to compliance of

Section 438(2) of the Code of Criminal Procedure, 1973 with further condition that the learned advocate for the petitioner will tender the draft of Rs.10,000/- to the learned advocate for the de facto complainant within seven days from the date of order and furnish a copy of the receipt issued by the learned advocate for the de facto complainant to the arresting officer who will retain the same on the case diary.

The instant CRM No. 7156 of 2020 is thus disposed of.

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

(Bibek Chaudhuri,J.)

(Subrata Talukdar,J.)