

SL-14

09-10-2020

sg

Court 23

C.R.M. 7645 of 2020
IA No. CRAN 1 of 2020

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Haringhata Police Station Case No. 231 of 2020 dated 11.09.2020 under Sections 498A/323/307/34 of the Indian Penal Code.

Partly
Allowed

Saddam Hossain Sekh & Ors.
Versus
State of West Bengal

Mr. Sumanta Das, Adv.

...for the petitioner.

Mr. S.S. Imam, Adv.

Mr. Subrato Roy, Adv.

...for the State.

The petitioners undertake 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 petitioners are the husband, father-in-law, mother-in-law and brother-in-law of the complainant. The learned Counsel for the petitioners submit that due to differences between the complainant and the husband, this false complaint has been lodged by the complainant within seven months of marriage.

Learned Counsel for the State, however, opposes the prayer for anticipatory bail. It is submitted that the statement recorded under Section 161 of the Code of Criminal Procedure implicates the husband.

Having considered the materials on record prima facie disclosing the extent of involvement of the petitioner nos. 2, 3, and 4 in the commission of alleged offence, we are inclined to grant bail to the petitioner nos. 2, 3 and 4

namely, Kalam Sekh @ Sekh Kalam, Anowara Bibi @ Sekh Anowara Bibi and Arebul Hossain Sekh.

Accordingly, we direct that in the event of arrest, the petitioner nos. 2, 3, and 4 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, one of whom must be local, 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. The petitioners shall cooperate with the investigation and the petitioner nos. 2 and 4 shall meet the investigating officer once in a week until further orders.

The State must collect all the CFSL reports relevant for the present investigation from the CFSL authorities without any delay.

In the event they fail to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

The application for anticipatory bail of the petitioner nos. 2, 3 and 4 is, thus, allowed and the application for anticipatory bail of the petitioner no.1 is rejected.

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.)