

20/10/2020
Item No. 51 D/L
S. De (3)

Allowed

Through Video Conference

CRM 8076 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Muchipara** P.S. Case No. 253 of 2019 dated 09.12.2019 under Sections 498A/406/34 of the Indian Penal Code and 3/4 of Dowry Provision Act.

Biswajit Dhar & Anr.
Vs
The State of West Bengal

Mr. Arindam Sen
Mr. Prokash Pal
...for the Petitioners.

Mr. Arijit Gangully
Mr. Sanjib Kr. Dan
...for the State

The petitioner undertakes 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.

The learned counsel for the petitioners submits that they have been falsely implicated. It is submitted that after twenty years of marriage this complaint has

been lodged to malign the petitioner no.2 of the mother-in-law of the de facto complainant.

The learned counsel for the state opposes the prayer for anticipatory bail. Further it is fairly submitted that the streedhan articles have been recovered and the petitioners have complied with in this issue under Section 41A of Cr.P.C.

Having considered the materials on record and having regard to the fact that the articles have already been recovered and considering nature and extent of the complicity of the petitioners in the commission of the alleged offence, we feel the custodial interrogation of the petitioners are not required.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer also subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure, 1973 and on further condition that the petitioner no.1 shall meet the investigating officer once in a week until further orders.

Accordingly, the application for anticipatory bail of the petitioners is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Aniruddha Roy, J.)

(Soumen Sen, J.)