

27.11.2020

BP/BR
Sl. 35

CRM 9422 of 2020

(Via Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Md. Bazar Police Station Case No. 151 of 2020 dated 03.09.2020 under Sections 498A/326/307/34 of the Indian Penal Code.

In the matter of : Nasiruddin Dhali @ Nasir Uddin Dhali & Ors.....petitioners

Mr. Dhananjoy Banerjee
..for the petitioners.

Mr. Bidyut Kumar Roy
Ms. Rita Datta
..for the State.

The petitioners undertake to appropriately 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.

It is submitted by the learned advocate for the petitioners that the victim/wife left in-laws house sometime in January and went to her parental house.

She lodged a complaint in the month of September. Therefore, the complaint is nothing but an after-thought. Court should not look into the complaint. The complaint was filed after eight months.

Learned advocate for the State opposes the prayer for anticipatory bail and submits that due to regular torture the victim wife compelled to leave in-laws house and went to her parental house. Therefore, the delay of lodging complaint occurred due to her prolonged illness.

Considering the submissions as advanced by the learned advocates for the parties and after perusing the record, in our considered view, the custodial interrogation is not required since the wife left in-laws house sometime in January and thereafter in the month of September she lodged complaint. The application for anticipatory bail should be allowed.

Accordingly, we allow the prayer for anticipatory bail.

In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of like amount each, to the satisfaction of the arresting officer of the case.

The aforesaid order shall be subject to the conditions as laid down under Section 438(2) of the

Code of Criminal Procedure.

The application for anticipatory bail being
C.R.M. 9422 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Kausik Chanda, J.)