

03.08.2020
Ct. No.8
Sl. No.11
KS

C.R.M. 5012 of 2020

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Sitalkuchi P.S. Case No.71 of 2020 dated 10.06.2020 under Sections 498(A)/ 306/ 34 of the Indian Penal Code and Section 3 of the Dowry Prohibition Act, 1961.

Entajul Miya @ Entajmul Miya @ Entaj Miya & Ors.

-Vs.-

The State of West Bengal

(Via Video Conference)

Mr. Hillol Saha Podder for the Petitioners

Mr. Aditi Shankar Chakraborty for the State

Mr. Jeenia Rudra

Mr. Anirban Banerjee

.....for the De facto complainant

The petitioners undertake to affirm and 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.

Learned advocate appearing for the petitioners submits that the petitioner no.1 is the nephew of the deceased, petitioner no.2 is the wife of the elder brother in law of the deceased, and the petitioner no.3, 4, 5 and 6 are the brother in law of the deceased.

Learned advocate appearing for the petitioners further submits that the marriage was solemnized more than 11 years ago and the victim/deceased and her husband used to reside at a separate mess.

Learned advocate for the State opposes the prayer for anticipatory bail.

Learned counsel for the de facto complainant is also present. She however, do not seem to oppose that marriage was solemnized 11 years ago and so far as the relationship of the present petitioners are concerned. However, she emphasizes on the factum of dowry demand and torture.

We have taken into account the facts of the case and the relationship, having taken into account that marriage was solemnized 11 years ago, we are of the opinion that the custodial detention of the present petitioners may not be necessary for the sake of investigation of the case.

Accordingly, the prayer for anticipatory bail of the present petitioners are allowed.

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 Rs.5,000/- (Rupees Five Thousand Only) each, to the satisfaction of the arresting officer and on condition that they shall make themselves available as and when called for by the investigating officer of the case.

The aforesaid order of anticipatory bail shall be subject to the conditions as provided under Section 438(2) of the Code of Criminal Procedure.

With these observations, C.R.M. 5012 of 2020 is disposed of.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Tirthankar Ghosh, J.)

(Sahidullah Munshi, J.)