

12.01.2021
Court No.28
Item No. 76
Krishnendu
ALLOWED

CRM 37 of 2021

(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of
the Code of Criminal Procedure ;

And

In Re : **Aman Upwan @ Pathak**

.....Petitioner

Mr. Apurba Kumar Datta

....For the Petitioner

Mr. Tanmay Kumar Ghosh

Mr. Pratick Bose

.....For the State

Apprehending arrest in connection with Asansol (W) Police
Station Case No. 108 of 2020 dated 30.10.2020 under sections
498A/323/313/120B/34 of the Indian Penal Code and sections 3 and 4
of the Dowry Prohibition Act, the petitioner has filed the present
application.

The learned advocate appearing for the petitioner submits that
the petitioner is the husband of the informant, who has alleged
commission of offence regarding demand of dowry, assault and
miscarriage. Additionally, he submits that having regard to the facts
and circumstances of the case, the custodial interrogation of the
petitioner may not be warranted as he has been falsely implicated in
this case.

The learned advocate appearing for the State produces the case
diary and the medical report. However, on repeated query, the learned

advocate could not draw the attention of this Court to any document, which reflects that there was any forceful termination of pregnancy of the complainant.

We have perused the materials on record including the case diary and the pages to which our attention has been drawn by the learned advocate appearing for the State. On appreciation of the same, we are of the opinion that custodial interrogation of the petitioner is not necessary in the facts and circumstances of the case.

Accordingly, the prayer for anticipatory bail is allowed and we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 and with a further condition that he shall meet the Officer-in-Charge of Asansol (West) Police Station once a week until further orders..

This application for anticipatory bail, being CRM 37 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

