

13-01-2021
Subha
Item no.112
Bail Allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 93 of 2021

Arjun Halder and ors.
-vs-
The State of West Bengal
(Via Video conference)

In Re: An application for anticipatory bail under Section 438 CrPC apprehending arrest in connection with Nalhati P. S. Case No.245 of 2020 dated 03-12-2020 under Sections 498A/323/307/34 of the Indian Penal Code read with Section 3/4 of Dowry Prohibition Act.

Mr. Mahaboob Ahmed
...for the petitioners.

Mr. S. G. Mukherji, PP
Mr. Partha Pratim Das
Ms. Manasi Roy
... for the State.

The petitioner no.1 is the husband, petitioner no.2 is the father-in-law, petitioner no.3 is the husband of the sister-in-law and petitioner no.4 is the sister-in-law of the complainant.

Learned advocate appearing for the petitioners submits that the present case has been initiated with malice and because of the matrimonial discord, the petitioners are harassed with an ulterior motive of being sent to custody.

Ms. Roy, learned advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the injury reports as well as the statement of the witnesses.

We have perused the case diary, the injury report and the statement of different witnesses recorded under Section 161 of the Code of Criminal Procedure and on appreciation of the

same, we are of the opinion that the prayer for anticipatory bail of the petitioner no.1 cannot be acceded to. As such, the anticipatory bail of the petitioner no.1(*Arjun Halder*) is rejected.

So far as the petitioner nos. 2, 3 and 4 are concerned, we are of the opinion that custodial detention of such petitioners are unwarranted and as such they are extended the privilege of grant of anticipatory bail.

As such, in the event of arrest, the petitioner no.2(Mukul Halder), petitioner no.3, (Sushil @ Sisir Halder) and petitioner no.4(Mona @ Pinki Halder) shall be released on bail, upon furnishing 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.

As such, the prayer for anticipatory bail of the petitioners is partly allowed and accordingly, application for anticipatory bail being CRM 93 of 2021 is disposed of.

[Tirthankar Ghosh, J]

[Tapabrata Chakraborty, J]

