

20.01.2021
Item no.219
Court No.28
Avijit Mitra

C.R.M.250 of 2021 (via video conferencing)

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

And

In Re : Sayeb Hossain alias Saheb alias Sobuj
.... petitioner

Ms. Smithia Bala,
Mr. Diptendu Banerjee
....for the petitioner

Mr. Pratick Bose
..... for the State

Apprehending arrest in connection with Saktipur Police Station Case No.130 of 2020 dated 07.10.2020 under Sections 498A/323/313/506 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act the present application has been preferred.

Ms. Bala, learned advocate appearing for the petitioner submits that the complaint does not disclose any ingredient of Section 313 of the Code of Criminal Procedure and in view of the nature of allegations, custodial detention of the petitioner is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and as the complaint *prima facie* does not contain the ingredients of Section

313 of the Code of Criminal Procedure, we are of the opinion that custodial detention of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a 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.

The application for anticipatory bail being C.R.M. 250 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)