

28.01.2021
Court No.28
rpan / 182

C.R.M. 340 of 2021
(Via Video Conference)

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

And

In Re : Soheb Kaji & Others

.Petitioners.

Mr. Tapan Dutta Gupta,

Mr. Parvej Anam

....for the Petitioners.

Mr. Rana Mukherjee,

Ms. Sujata Das

... for the State.

Leave is granted to the petitioners to correct the cause
title of the application for anticipatory bail.

Apprehending arrest in connection with Jhalda P. S. Case
No. 95 of 2020 dated 31.07.2020 under Sections
498A/304B/302/34 of the Indian Penal Code read with Sections
3/ 4 of the Dowry Prohibition Act, the application for
anticipatory bail has been preferred.

The learned advocate appearing for the petitioners
submits that the alleged incident occasioned about two-and-
half years after the marriage. The principal accused, being
the husband of the victim lady, has already been granted bail
by a co-ordinate Bench of this Court. In view thereof, the
custodial detention of the petitioners is not necessary.

The learned advocate appearing for the State opposes the petitioners' 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 and the fact that co-accused persons have already been enlarged on bail, we are of the opinion that the custodial detention of the petitioner no.1, who is the father-in-law of the deceased; the petitioner no.2, who is the mother-in-law of the deceased and the petitioner no.3, who is the sister-in-law of the deceased, is not warranted.

Accordingly, in the event of arrest the petitioners, viz. **1. Soheb Kaji, 2. Jumman Bibi and 3. Nasiba Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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 CRM 340 of 2020, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)