

08.02.2021
Court No.28
Item No. 170
Krishnendu
ALLOWED

C.R.M. 394 of 2021

(Via video Conference)

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

And

In re: Sk. Ibkar Ali @ Sk. Ebkar Ali & Ors.

.....Petitioners

Mr. Jannat ul Firdus
Md. Jalaluddin

....For the Petitioners

Mr. Tanmoy Ghosh
Mr. Pratik Bose

.....For the State

Apprehending arrest in connection with Nadial Police Station Case No. 191 of 2020 dated 29.12.2020 under sections 498A/406/504/494/34 of the Indian Penal Code and sections 3 and 4 of the Dowry Prohibition Act, the petitioners have filed the present application.

Leave is granted to the learned advocate for the petitioners to amend the cause title.

The learned advocate appearing for the petitioners submits that the petitioner no. 1 is the husband, petitioner no. 2 is the present wife, petitioner no. 3 is the father-in-law, petitioner nos. 4 to 7 are the brother-in-laws and the petitioner no. 8 is the mother-in-law of the complainant. The learned advocate further submits that the earlier marriage was solemnized almost eight years prior to the date of registration of the First Information Report and the present case has been initiated with the ulterior object of harassing the present petitioners.

The learned advocate appearing for the State opposes the prayer for anticipatory bail and draws our attention to the relevant statements of the witnesses wherein he emphasizes that there are allegations of mental and physical torture being inflicted upon the complainant.

Having regard to the nature of the allegations and the complicity of the present petitioners in respect of the allegations, we are of the opinion that custodial detention of the petitioners may not be warranted in the facts and circumstances of the instant case. As such the prayer for anticipatory bail is allowed.

Accordingly, direct that in the event of arrest the petitioners, namely **Sk. Ibkar Ali @ Sk. Ebkar Ali, Swamina Begam @ Samima Bibi @ Rinky, Sk. Ramzan Ali, Sk. Imran, Sk. Mirshad Ali @ Sk. Mersad Ali, Sk. Ershad Ali @ Israk Ali, Sk. Ashif Ali @ Sk. Asif Ali and Sabia Begum**, 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 No. 394 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

