

26.02.2021

Item No.35

Ct.No.28

dc.

Allowed

C.R.M. 505 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Md. Mostafa @ Md. Mostofa & Ors.**

... Petitioners.

Mr. Kallol Mondal,
Mr. Musharraf Alam Sk.

... For the Petitioners.

Mr. Bidyut Kumar Roy,
Ms. Rita Datta

... For the State.

Apprehending arrest in connection with Ratua P.S. Case No. 532 of 2020 dated 21.11.2020 (G.R. No. 2686 of 2020) under Sections 341/325/307/195A/406/34 of the Indian Penal Code, the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioners submits that the present case is in addition to the earlier case instituted under Section 498A of the Indian Penal Code. The learned advocate further submits that the petitioners are the maternal-uncle-in-law, aunt-in-law and brother-in-law.

Mr. Roy, learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the

petitioners have played vital role in commission of offence. He also draws our attention to the seizure list.

Having regard to the fact that there was a previous case pending which arose out of matrimonial dispute and the present case has been initiated subsequently for recovery of streedhan articles and the fact that there are no injury reports suggesting that injuries have been inflicted, we are of the opinion that custodial detention of the petitioners may not be warranted in the facts and circumstances of the case.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, 1. **Md. Mostafa @ Md. Mostofa**, 2. **Mamata Mallick** and 3. **Md. Mohsin @ Md. Mahasin** shall 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 CRM 505 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)