

26.02.2021
Item no.40
Court No.28
Avijit Mitra

C.R.M.513 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Arambagh Police Station Case No.379 of 2020 dated 16.10.2020 under Sections 498A/304B/302/34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act;
And

In Re : Jyotsna Begam & ors.

.... petitioners

Mr. Niladri Sekhar Ghosh,

Ms. Srimoyee Mukherjee

....for the petitioners

Mr. Aniket Mitra

..... for the State

Mr. Ghosh, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated and no overt act has been attributed to them. The petitioner no.1 is the married sister-in-law and the petitioner no.2 is the husband of the petitioner no.1 who reside at a separate place. The petitioner no.3 is the father-in-law of the victim and is 62 years of age. Upon completion of investigation chargesheet has also been filed and as such custodial interrogation of the petitioners is not necessary. Mr. Ghosh has drawn our attention to the order dated 7th January, 2021 passed in CRM No.11 of 2021 granting bail to the mother-in-law of the victim lady.

Mr. Mitra, 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, we *prima facie* find that there are

materials which disclose the involvement of the father-in-law in the alleged offence and as such the prayer for anticipatory bail of the petitioner no.3 is dismissed.

Considering the fact that the petitioner nos.1 and 2 used to reside separately and as no overt act has been attributed to them, we are of the opinion that custodial interrogation of the said petitioner nos. 1 and 2 is not warranted in the facts and circumstances of the instant case.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Jyotsna Begam and Sk. Soyeb Ali @ Sk. Saheb Ali @ Saiyab Ali**, shall be released on anticipatory 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.

Accordingly, the application for anticipatory bail being CRM No.513 of 2021, is 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.)