

26.02.2021
Item no.43
Court No.28
Avijit Mitra

C.R.M. 517 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 Doulatabad Police Station Case No.7 of 2021 dated 08.01.2021 under Sections 498(A)/323/307/34 of the Indian Penal Code and 3/4 Dowry Prohibition Act;

And

In Re : Robiul Awal @ Jamal Sk. & anr.

.... petitioners

Mr. Sumanta Chakraborty,
Mr. Probal Sarkar

....for the petitioners

Mr. Imran Ali,
Mr. M.F.A. Begg

..... for the State

Learned advocate appearing for the petitioner submits that the petitioner no.1 is the elder brother-in-law and the petitioner no.2 is the husband of the complainant. Learned advocate further submits that the petitioners have been implicated on the basis of a matrimonial dispute which arose over a trivial issue and the complainant left her matrimonial home on or about December, 2020.

Learned advocate appearing for the State submits that within 1½ years of marriage the complainant was subjected to physical and mental torture.

We have perused the materials in the case diary and the statements of the witnesses and the incriminating materials appearing against the petitioners. On an assessment of the same, we are of the opinion that custodial interrogation of the petitioners may not be warranted in the facts and circumstances

of the instant case. As such prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Robiul Awal @ Jamal Sk.** and **Emamul Saikh** 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.

The order of anticipatory bail will remain in force for a period of four weeks from date. The petitioners are directed to surrender and pray for regular bail before the jurisdictional Court within the said period.

The petitioners shall meet with the Officer-in-Charge, Doulatabad Police Station once a week until further orders on and from 02.03.2021.

Accordingly, the application for anticipatory bail being CRM No.517 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.)