

07.04.2021

Item No.72

Ct.No.28

dc.

Allowed

C.R.M. 689 of 2021

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

And

In Re : **Sujit Pal & Anr.**

... Petitioners.

Mr. Abhijit Kumar Adhya

... For the Petitioners.

Mr. Aniket Mitra

... For the State.

Apprehending arrest in connection with Joypur P.S. Case No. 198 of 2019 dated 28.11.2019 (G.R. No. 2740 of 2019) under Sections 498A/326/307/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, the present application has been preferred.

The petitioners are the husband and the sister-in-law of the victim and filed the instant application for anticipatory bail on the premise that they have been falsely implicated in connection with the aforesaid case on the basis of the delayed FIR lodged ten months after the alleged occurrence. Our attention is drawn to the statement of the victim made before the attending doctor and her statement recorded under Section 161 of the Code of Criminal Procedure at the time of registration of FIR.

We find disparity in the aforesaid statements giving rise to a reasonable doubt over the complicity of the

petitioners in the alleged offence. Furthermore, the charge-sheet has already been filed. We, thus, do not find any justification in rejecting the prayer for anticipatory bail.

Accordingly, we **allow** the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, 1. **Sujit Pal** and 2. **Mita Pal** 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 689 of 2021 is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)