

09.04.2021
Item no.274
Court No.28
Avijit Mitra

C.R.M.744 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 Bauria Police Station Case No.70 of 2020 dated 11.08.2020 under Sections 498A/306/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act;

And

In Re : Bedana Das & ors.

.... petitioners

Sk. J. Alam,
Mr. R. Mukhrjee

....for the petitioners

Mr. S.G. Mukherjee, Ld. P.P.,
Mr. Partha Pratim Das,
Ms. Manasi Roy

..... for the State

The petitioners before this Court happen to be mother-in-law, brother-in-law and the wife of brother-in-law of the victim. It has also been submitted that the investigation has been completed and chargesheet has been submitted before the jurisdictional court and pursuant to the same warrant of arrest has been issued.

We find that in criminal misc. case no.2295 of 2020 the application for anticipatory bail was rejected by the learned Sessions Judge, Howrah by an order dated 10th December, 2020 only because of the reason that warrant of arrest was issued pursuant to the submission of chargesheet. We do not approve such view of the learned Sessions Judge as the settled principle of law is that unless and until proclamation is issued there is no bar for considering application for anticipatory bail. So far as the merits of the present case is concerned our attention has been

drawn to the statement of the 10 year old boy of the victim who has specifically alleged against the husband of the victim and another person and do not implicate the present petitioners so far as the charges of abetment or overt act for cruelty is concerned. Taking into account the nature of allegations we are of the opinion that custodial interrogation of the petitioners is unwarranted in the facts and circumstances of the present case. The prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Bedana Das, Ajit Das and Jhuma Das**, 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.744 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.)

(Soumen Sen, J.)