

12.04.2021
SL No.282
Court No.28
(gc)
(Partly Allowed)

CRM 761 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Berhampore Police Station Case No.398 of 2020 dated 01.05.2020 under Sections 498A/306/34 of the Indian Penal Code and 3/4 Dowry Prohibition Act.

And

In the matter of : **Esrafil Sk. & Ors.**

- Petitioners

Ms. Shabana Hasin,

... For the Petitioners.

Mr. Arijit Ganguly,

Mr. Sanjib Kumar Dan,

... For the State.

Learned Counsel for the petitioners submits that the petitioner No.2 has already been arrested and as such she does not intend to prosecute with the application. Accordingly, the application for anticipatory bail is dismissed as not pressed.

Learned Counsel for the petitioners further submits that the petitioner No.1 is the brother-in-law and petitioner No.3 is the wife of the petitioner No.1.

Learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the investigation of the case has already been completed and there are materials available against the petitioner Nos. 1 and 3.

We have perused the materials in the case diary and considered the fact that marriage was solemnized 10 years prior to the date of the incident. We have also taken into account the role of the petitioner Nos. 1 and 3 and the fact that the investigation

has already been completed and the charge-sheet submitted, accordingly, we are of the opinion that the custodial interrogation of the petitioner Nos. 1 and 3 is unwarranted. As such, the prayer for anticipatory bail of the petitioner Nos. 1 and 3 is allowed.

Accordingly, we direct that in the event of arrest the petitioner Nos. 1 and 3 shall be released on 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.

It is also directed that the petitioner No.1 shall meet the Officer-in-charge of the Berhampore Police Station of the case once in a week until further orders.

This order of anticipatory bail will remain in force for a period of four weeks from date within which time, the petitioner Nos. 1 and 3 would appear before the Jurisdictional Magistrate and pray for regular bail.

With the aforesaid observation, the application for anticipatory bail, being CRM No.761 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.)

(Soumen Sen, J.)