

21.04.2021

Item No.228

Ct.No.28

dc.

Allowed

C.R.M. 899 of 2021

(Via Video Conference)

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

And

In Re : **Kazi Ahysan Ali @ Tipu @ Kazi Ahesan Ali**
... Petitioner.

Mr. Amajit De
... For the Petitioner.

Mr. S. G. Mukherji, Ld. P.P.,
Mrs. Manasi Roy
... For the State.

Apprehending arrest in connection with Suri P.S. Case No. 35 dated 23.01.2016 under Sections 498A/323/307/427/506 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The alleged incident occurred about 15 years after the marriage was solemnised. The allegations levelled against the petitioner are absolutely unfounded. Upon completion of investigation, charge-sheet has also been filed on 26th August, 2016. In the said conspectus, custodial detention of the petitioner is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the fact that the incident occurred about 15 years after the marriage, we are of the opinion that custodial detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we **allow** the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Kazi Ahysan Ali @ Tipu @ Kazi Ahesan Ali** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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.

This order will remain in force for a period of eight weeks from date within which the petitioner shall appear before the jurisdictional court and pray for regular bail.

The application for anticipatory bail, being CRM 899 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.)

(Tapabrata Chakraborty, J.)