

24.05.2021
Court No.28
rpan /22

C.R.M. 1047 of 2021
(Via Video Conference)

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Bina Mukherjee & Others**

- Petitioners.

Mr. Sanjib Mitra

... for the petitioners.

Mr. Madhusudan Sur,

Mr. Narayan Prasad Agarwala,

Ms. Subhashree Patel

... for the State.

Apprehending arrest in connection with Kalna P.S. Case No.66 of 2021 dated 16.01.2021 under Sections 498A/325/406 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition (Amended) Act, 1986, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioner nos.1 and 4 are the mother-in-law and the maternal father-in-law of the *de facto* complainant respectively whereas the petitioner nos.2 and 3 are the neighbours. They have been falsely implicated in a matrimonial dispute. The son of the petitioner no.1 married the *de facto* complainant on 25th November, 2019 and due to certain disputes a divorce suit was preferred and during pendency of the same the *streedhan* articles have already been returned. There are no incriminating materials

against the petitioners and as such, their custodial interrogation is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and submits that the principal accused is still absconding.

Having heard the learned advocates and considering the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioners, namely, 1. **Bina Mukherjee**, 2. **Rajib Sarkar**, 3. **Susmita Sarkar** and 4. **Binod Singh @ Binod Kumar Singh** shall be released on bail upon furnishing a bond of ₹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 application for anticipatory bail, being CRM No.1047 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.

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)