

27.05.2021
Court No.28
Item No. 11
Krishnendu
Allowed

CRM 1319 of 2021
(Via video Conference)

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

In Re : **Phultusi Mondal**

Petitioner

Mr. Navanil De

For the Petitioner

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

For the State

Apprehending arrest in connection with Saktipur P.S. Case
No. 111 dated August 28, 2020 under sections 498A/302/304B of
the Indian Penal Code read with sections 3 and 4 of the Dowry
Prohibition Act, the petitioner has filed the present application.

Mr. De, learned advocate appearing for the petitioner
submits that the petitioner is the mother-in-law of the victim
lady, who is presently 52 years of age. She has been falsely
implicated. No overt act has been attributed to the petitioner.
The principal accused, being the husband of the victim lady, is
presently in custody. Upon completion of investigation, charge
sheet has also been filed and as such custodial
detention/interrogation is not necessary.

The learned advocate appearing for the State opposes the
petitioner's prayer for anticipatory bail and draws our attention
to several documents in the case diary.

Having heard the learned advocates appearing for the
respective parties and considering the materials in the case

diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial detention/ interrogation of the petitioner is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Phultusi Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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. 1319 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.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)