

03.08.2021

(Via Video Conference)

Court No.28
Item No.353
(REJECTED)

CRM 1366 of 2021

Ab/Saswata

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 02.02.2021 in connection with Manikchak Police Station case No. 290 of 2020 dated 03.11.2020, under Sections 498(A)/307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act (G.R.Case no. 4850 of 2020);
And

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

...Petitioners

Mr. A. Karmakar
Mr. Arup Kr. Bhowmick

...For the Petitioners

Mr. Tanmoy Kr. Ghosh
Mr. Nirupam Dhali

... For the State

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Manikchak Police Station case No. 290 of 2020 under Sections 498(A)/307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

At the very outset, it is submitted by the learned Advocate for the petitioners that the petitioner no.2 has been arrested in the meantime and, therefore, he is not pressing this application for the said petitioner.

He moves the application for petitioner nos. 1 and 3.

The petitioner no.1 is the husband and the petitioner no.3 is the brother-in-law of the complainant. It is submitted that there was a

matrimonial discord between the petitioner no.1 and the complainant and the instant case has been initiated out of grudge and enmity having no nexus to the truth.

The State opposes the prayer for anticipatory bail. It is submitted that the victim lady has vividly narrated the incident happened on the fateful day and was taken to the hospital by her father after she was thrown out of the house and, therefore, the custodial interrogation of the petitioner nos. 1 and 3 is necessary.

After perusing the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure, as well as the injury report, we do not think that it is a fit case where the petitioner nos. 1 and 3 should get privilege of being arrested as their custodial interrogation is necessary.

Hence the prayer for anticipatory bail, so far as the petitioner nos. 1 and 3 is concerned, is ***rejected***.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)