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01-10-2021

Court 30

Partly
Allowed

C.R.M. 1406 of 2021

(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 242 of 2019 dated 06.07.2019 under sections 498A/326/307/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act and charge-sheet submitted under Sections 498(A)/34 I.P.C. read with Sections 3/4 of the D.P. Act.

Joni Saha & Ors.
Versus
The State of West Bengal

Mr. Mounick Ghosh, Adv.

...for the petitioners

Mr. Tanmay Kr. Ghosh, Adv.

Ms. Sima Biswas, Adv.

...for the State

The petitioner no.1 is the husband of the alleged victim and the petitioner nos. 2 and 3 are the mother-in-law and grandmother-in-law of the alleged victim.

The learned Counsel for the State produces the case diary and opposes the prayer for anticipatory bail.

We have perused the case diary as also the statement recorded under Section 161 of the Code of Criminal Procedure.

Considering the nature and complicity of the petitioners in the commission of the alleged offence, we are inclined to grant anticipatory bail to the petitioner nos. 2 and 3 and we are not inclined to grant anticipatory bail to the petitioner no.1.

Accordingly, we direct that in the event of arrest, the petitioner nos. 2 and 3, namely, Chumki Saha and Jharna Saha shall be released on anticipatory bail upon furnishing a Bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of like amount each, one of whom must be local, to the

satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner nos. 2 and 3 shall cooperate with the investigation.

The application for anticipatory bail of the petitioner nos. 2 and 3 is allowed and the application for anticipatory bail of the petitioner no.1 is rejected.

CRM 1406 of 2021 is partly allowed.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Rabindranath Samanta, J.)

(Soumen Sen, J.)