

24.11.2021
Court No.32
rpan / 115

CRM No. 1588 of 2021

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

And

In Re: **Sabitabrata Ghosh**

- Petitioner

Mr. Palash Mukherjee

...For the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,

Ms. Faria Hossain,

Mr. Aniket Mitra

...For the State

Apprehending arrest in connection with Daspur Police Station Case No. 45 of 2021 dated 26.01.2021 under sections 498A/323/406/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner is a blind person and is suffering from one hundred percent disability, as would be explicit from the disability certificate annexed to this application. He further submits that the petitioner married the *de facto* complainant on 2nd December, 2018. On 6th June, 2019 the *de facto* complainant left her matrimonial house and since then she is residing with her parents. The petitioner has also filed an application for restitution of conjugal rights before the competent court. The allegations levelled against the petitioner are in the abstract and in the said conspectus, custodial interrogation is not warranted, more so

when the other co-accused persons have already been enlarged on bail.

The learned advocate appearing for the State opposes the petitioner's prayer 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 interrogation of the petitioner is not warranted, more so when there is no likelihood that the petitioner, who is handicapped person, would flee from justice or would interfere with the investigation.

In view thereof, we allow this application and direct that in the event of arrest, the petitioner, namely, **Sabitabrata Ghosh** shall be released on bail upon furnishing two registered sureties of ₹5,000/- each, 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 application for anticipatory bail, being CRM No. 1588 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

