

02.03.2021
Item no.136
Court No.28
Avijit Mitra

C.R.M.1964 of 2020 (through video conference)
with
CRAN 1 of 2020 (Old CRAN No.4039 of 2020) (not here)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Khargram Police Station Case No.44 of 2020 dated 05.02.2020 under Sections 498A/307/34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act;
And

In Re : Bozlur Rahaman & anr.

.... petitioners

Mr. Prasenjit Mukherjee,
Mr. Argha Kamal Das

....for the petitioners

Ms. Faria Hossain,
Ms. Baisali Basu

..... for the State

The supplementary affidavit filed by the petitioners be kept with the record.

Learned advocate appearing for the State also submits a report, let the same be also kept with the record. The petitioner no.1 happens to be the husband of the *de facto* complainant and the petitioner no.2 is allegedly the second wife of the husband.

The report reflects that pursuant to the earlier order dated 14th December, 2020, the stridhan articles have been recovered and the *de facto* complainant has received back the same.

Having regard to the nature of the allegations and the fact that the stridhan articles have already been recovered, we are of the opinion that custodial detention of the petitioners may not be warranted in the facts and circumstances of the instant case.

Accordingly the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Bozlur Rahaman and Nasima Mamtaj**, shall be released on anticipatory bail upon furnishing a bond of Rs.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.

Accordingly, the application for anticipatory bail being CRM No.1964 of 2020, is disposed of.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)