

17.08.2021

(Via Video Conference)

Court No.28
Item No.271
(ALLOWED)

CRM 2020 of 2021

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 19.02.2021 in connection with Arambagh Women Police Station Case No. 4 of 2021 dated 07.01.2021 under Sections 498(A)/323/307 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act (G.R. Case No. 34 of 2021);

And

In the matter of : **Biswajit Das and others.**

...Petitioners

**Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee.**

...For the Petitioners

**Mr. Imran Ali,
Ms. Sutapa Banerjee.**

... 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 Arambagh Women Police Station Case No. 4 of 2021 under Sections 498(A)/323/307 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.

The petitioner no. 1 is the husband of the victim lady and the petitioner nos. 2 and 3 are the parents in-law. They have filed the instant application for anticipatory bail on the premise that no incriminating materials have been found against them during the investigation and, therefore, custodial interrogation of them is not required.

In course of hearing, we found that the charge-sheet has already been submitted. Furthermore, we have perused the statement of the victim lady recorded under Section 161 of the Code of Criminal Procedure, which, prima facie, does not disclose any materials justifying for custodial interrogation of the petitioners. The prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners shall be released on 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioners fail to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

CRM 2020 of 2021 is, thus, **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)