

17.08.2021

(Via Video Conference)

Court No.28
Item No.272
(ALLOWED)

CRM 2035 of 2021

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 13.01.2021 in connection with Jadavpur Police Station Case No. 348 of 2020 dated 10.11.2020 under Sections 498A/406/506/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act;

And

In the matter of : **Debabrata Mandal.**

...Petitioner

Mr. Mounick Ghosh.

...For the Petitioner

Mr. Goutam Wilson.

... For the State

The Advocate-on-record of the petitioner 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 Jadavpur Police Station Case No. 348 of 2020 under Sections 498A/406/506/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioner is the husband of the complainant and filed the instant application for anticipatory bail.

Our attention is drawn to the application for anticipatory bail filed by the parents in-law being CRM 10597 of 2020, wherein an interim protection was extended to them so that the Stridhan articles can be recovered by the complainant. The said application was ultimately disposed of on 27th July 2021 with a categorical finding that some of the Stridhan articles have been recovered but thereafter

the complainant was apathetic in extending the cooperation for retrieval of the rest of the Stridhan articles.

The allegation is omnibus in nature and attributed to the conduct of all the co-accused. Since the parents of the petitioner have been extended the benefit of Section 438 of the Code of Criminal Procedure, we, therefore, do not find any justification in custodial interrogation of the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, 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.

CRM 2035 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)