

26.08.2021.
286.
As/Akd
(Allowed)

**C.R.M. 2233 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dhantala P.S. Case No.56 of 2021 dated 11.02.2021 under Sections 506/406/34 of the Indian Penal Code.

In the matter of : Sudipta Dutta & Ors.

... Petitioners.

Mr. Somnath Majumder.

.....for the Petitioners.

Md. Anwar Hossain,
Mr. Narayan Prasad Agarwal,
Ms. Sreyashee Biswas.

.....for the State.

Apprehending arrest in connection with Dhantala P.S. Case No.56 of 2021 dated 11.02.2021 under Sections 506/406/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

Vide an order dated 14th June, 2021, petitioners were directed to return stridhan properties to the de-facto complainant/wife.

It is submitted by the learned Advocate for the petitioners that they duly complied with the said order and stridhan properties were seized and returned to the de-facto complainant.

The materials in the Case Diary corroborates the submissions made by the learned Advocate for the petitioners. Furthermore, charge sheet has already been submitted.

In view of the above, the petitioners are entitled to the benefit of Section 438 of the Code of Criminal Procedure.

Accordingly, we direct that in the event of arrest the petitioners 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 subject to the satisfaction of the arresting officer and on condition that they shall attend the trial court on every date of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

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

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 2233 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)