

31.05.2021
Item no.39
Court No.28
Sn/srm

C.R.M. 2253 of 2021 (through video conference)

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

And

In Re : Indrani Sinha & Ors.

.... petitioners

Mr. Sourav Chatterjee

Mr. Soumya Nag

....for the petitioners

Mr. S.S. Imam

Mr. N.P. Agarwala

Mr. P. Bose

..... for the State

Apprehending arrest in connection with Newtown Police Station Case No.48 of 2021 dated 18.02.2021 under Sections 498A/406/506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act, the present application has been preferred.

On the prayer of Mr. Chatterjee, learned advocate appearing for the petitioners, the present application for anticipatory bail, so far as the petitioner no.3 is concerned, is dismissed as '**not pressed**' since the petitioner no.1 had surrendered and had also been enlarged on bail.

He further submits that the petitioner nos. 1&2 are the mother-in-law and the father-in-law of the *de facto* complainant and are aged about 62 years and 67 years respectively. He further submits that the marriage between the petitioner no. 3 and *de facto* complainant was solemnised on 21.11.2016 and presently a matrimonial suit is pending. The allegations levelled

against the petitioner nos. 1&2 are in the abstract and there are no incriminating materials against them.

Drawing the attention of this Court to the averments made in paragraph 15 of the application, Mr. Chatterjee submits that the *de facto* complainant was also arrested in connection with NSCBI Police Station Case No. 3 of 2020 dated 12.01.2020, registered under Section 505 of the Indian Penal Code and under Section 3 of the Suppression of Unlawful Act against Safety of Civil Aviation Act, 1982. In the said conspectus, custodial interrogation of the petitioner nos.1&2 is not necessary.

The learned Advocate for the State opposes the petitioners' prayer. He, however, informs this Court that upon completion of investigation charge sheet has been filed upon deletion of Section 406 and *streedhan* materials have already been handed over to the *de facto* complainant.

Considering the nature of allegations as levelled against the petitioner nos. 1&2 and their age and complicity, we are of the opinion that their custodial interrogation is not warranted in the facts and circumstances of the present case. As such, their prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Indrani Sinha & Bhaskar Sinha** 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.2253 of 2021, is disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)