

22.09.2021
Item no.34
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 2383 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 03.03.2021 in connection with Debra Police Station Case No. 271 of 2020 dated 27.06.2020 under Sections 498A/304B/302/34 of the Indian Penal Code read with Sections 3 /4 of the Dowry Prohibition Act.

And

In the matter of : Mohan Jana @ Mohanlal Jana @

Mohan Lal Jana.

.....Petitioner.

Mr. Suman Das Adhikary, Advocate,
Mr. Rameshwar Sinha, Advocate,
.....for the Petitioner.

Mr. Bidyut Kr. Roy, Advocate,
Ms. Rita Datta, Advocate,
.....for the State.

The petitioner is a neighbour of the victim lady. We are told that the victim's husband and in-laws who are the other accused persons, have been granted bail by the learned Trial Court.

The allegation is under Sections 498A/304B/302/34 of the Indian Penal Code read with Sections 3 /4 of the Dowry Prohibition Act.

We have seen the material in the case diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. Prima facie, there is no implication of the petitioner. charge-sheet has also been submitted.

On an overall assessment of the facts and circumstances of the case, we are of the opinion that this is not a case where custodial interrogation of the petitioner may be necessary.

Accordingly, in the event of arrest, the petitioner namely **Mohan Jana @ Mohanlal Jana @ Mohan Lal Jana** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2383 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

