

50. 15.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2527 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **09/03/2021** in connection with **Dum Dum Police Station Case No. 381/2019** dated **04/05/2019** under Sections **498A/406/506** of the Indian Penal Code.

And

In the matter of: - **Sandip Biswas & Ors.**

...petitioners.

Mr. Bhaskar Seth,
Ms. Pritha Mazumder

...for the petitioners.

Mr. Bidyut Kr. Roy,
Md. M.F. Begg

...for the State.

The petitioners are the husband and parents-in-law of the victim lady. The petitioners say that the victim left the matrimonial home on her own and filed this false complaint one year thereafter.

Learned Advocate for the State says that notice under Section 41A of the Code of Criminal Procedure was issued to the petitioners but they did not respond to the same.

From the material in the Case Diary we find that the State's contention is not correct. The petitioners did respond to the notice under Section 41A as is noted on the notice by the Investigating Agency.

We have also considered the material on record. On an overall assessment of the material on record and the nature and gravity of the alleged offence as also in view of the co-operative conduct of the petitioners since they attended the office of the

Investigating Agency in response to the notice under Section 41A of the Cr.P.C., although charge-sheet is yet to be submitted, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they continue to co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, *viz.*, **1. Sandip Biswas, 2. Birendranath Biswas, 3. Maya Rani Biswas** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioners fail 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 being C.R.M. 2527 of 2021 is, accordingly, disposed of.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)