

41 10.06.2021
S.K/ Ct. No.28
S.M (Allowed)

C.R.M. 2700 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal P.S. Case No. 160 of 2021 dated 03.03.2021 under Sections 498A/307/313 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

And

In the matter of: Somnath Ghosh & Ors.

....petitioners.

Mr. Soupal Chatterjee

...for the petitioners.

Mr. N. Ahmed,

Md. Anwar Hossain,

Ms. Sreyashee Biswas

...for the State.

The petitioners submit that the principal reason for the lodging of the complaint against them is that the petitioners were called upon to stay away from the marital home which he refused.

This Court has considered the case diary and seen the injury report.

Since this Court finds that the custodial interrogation of the petitioners is not necessary, the application under Section 438 CrPC is allowed.

Accordingly, in the event of arrest, the petitioners shall be released on bail subject to satisfaction of conditions under Section 438 (2) of CrPC, 1973 and upon furnishing Bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Investigating Officer, subject to condition that the petitioners shall appear before the trial Court on every date of

hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners shall not enter the jurisdiction of the police station except for the purpose of investigation and attending Court proceedings and shall provide the address where they shall reside while on bail to the investigating officer as well as the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction they shall reside once in a week until further orders. The petitioners shall surrender their passport to the I.O. and if they do not possess a passport shall submit an affidavit to that effect before the I.O.

In the event of arrest the petitioners fail to appear before the trial Court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this court.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)