

CRM No.2749 of 2021

Via video conference

14.06.21

(S.R.)

Sl.34

Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Rampurhat** Police Station Case **No.84 of 2021** dated **28/02/2021** under Sections **498A/323/324/307/506/34** of the Indian Penal Code and Sections **3/4** of the Dowry Prohibition Act;

And

In re: Kabita Mondal @ Kabita Mandal & Ors. ... petitioners.

Mr. Sourav Chatterjee

... for the petitioners.

Mr. Rana Mukherjee, APP

Mr. Bidyut Kr. Roy

Miss. Rita Datta

...for the State.

Mr. Chatterjee, learned advocate appearing for the petitioners submits that the petitioner no.1 is the mother-in-law and the petitioner no.2 is the father-in-law of the *de facto* complainant, who are presently aged about 68 years and 69 years respectively. The petitioner no.3 is the husband of the *de facto* complainant and is presently working as a professor in Jadavpur University. The *de facto* complainant is also a teacher by profession. The petitioner no.3 married the *de facto* complainant way back on 29th June, 2012 and out of the said wedlock a female child was born. Subsequent thereto, on 22nd October, 2017 the *de facto* complainant along with her child left her matrimonial house and she is residing at her parental house. The allegations levelled against the petitioners are unfounded and they have been falsely implicated. He further submits that in the alleged complaint there is no ingredient of Section 307 and presently a suit for restitution of conjugal rights has also been filed by the petitioner no.3 and the same is pending consideration. In the backdrop of the said facts and circumstances, custodial detention of the petitioners is not necessary.

Mr. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the contents of the complaint.

We have heard the learned advocates and considered the materials in the case diary. It appears from the complaint that the *de facto* complainant left her matrimonial house way back in the year 2017 and the complaint had been lodged in the month of February 2021. The petitioner nos.1 and 2 are aged persons. The petitioner no.3 is a professor. *Prima facie*, it is not likely that they would interfere with the investigation or delay the trial by abscondence. In the said conspectus and considering the nature of allegations, we are of the opinion that custodial detention of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **1. Kabita Mondal @ Kabita Mandal, 2. Sisir Kumar Mandal @ Sisir Mandal @ Sisir Mondal and 3. Soumen Mondal**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on a further condition that the petitioner no.3 shall meet with the investigating officer once in a fortnight on and from 21st June, 2021 until further orders.

Accordingly, the application for anticipatory bail being CRM No.2749 of 2021 is allowed.

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

(Kausik Chanda, J.)

(Tapabrata Chakraborty, J.)