

23.09.2021

Court No.28
Item No.177
(ALLOWED)

Saswata

CRM 2791 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Diamond Harbour Police Station Case No. 249 of 2019 dated 11.08.2019 under Sections 498A/306/406/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act;
And

In the matter of : **Bahar Gazi @ Bahar Ali Gazi & Anr.**
...Petitioners

Ms. Sreyashee Biswas
Ms. Benajir Hasna

...For the Petitioners

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen
...For the State.

Apprehending arrest in connection with Diamond Harbour Police Station Case No. 249 of 2019 under Sections 498A/306/406/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioners are the parents-in-law of the deceased. They have filed the instant application praying for anticipatory bail. The deceased committed suicide after 12 years of marriage. It is alleged that failing to bear the torture perpetrated by her husband and the petitioners, the deceased committed suicide.

It is submitted by the learned Advocate for the petitioners that the husband of the deceased was enlarged on bail. Charge sheet has already been submitted. Therefore, custodial interrogation is not necessary. So the petitioners may be released on anticipatory bail.

Learned Advocate for the State has raised objection against the prayer for bail.

However, on careful perusal of the case diary, we find that the allegation against the petitioners is omnibus in nature, since the husband of the

petitioner against whom the primary allegation was made has been released on bail, we do not find it necessary to refuse the prayer for anticipatory bail of the petitioners.

The prayer for anticipatory bail of the petitioners is **allowed**.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of ₹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 Learned Additional Chief Judicial Magistrate, Diamond Harbour, South 24 Parganas and subject to the condition that the petitioners shall appear before the Trial Court on every date of hearing until further orders and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event the petitioners fail to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for anticipatory bail being CRM 2791 of 2021 is, thus, ***disposed of***.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)