

CRM No.2853 of 2021

Via video conference

16.12.21

(S.R.)

Sl.550

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Haripal** Police Station Case No.219 of 2020 dated 05/08/2020 under Sections 498A/406/313 of the Indian Penal Code read with Sections 3 and 4 of Dowry Prohibition Act;

And

In re: Biplab Chakraborty

... petitioner.

Mr. Momammad Mahmud

Mr. Mahfuzus Salam Mollah

... for the petitioner.

Mr. Narayan Prasad Agarwal

Ms. Subhsree Patel

...for the State.

Mr. Mahmud, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The ingredients of Section 313 are not attracted inasmuch as the victim gave consent for abortion. The other allegations are *omnibus* in nature. The other co-accused persons have already been granted bail. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not warranted.

Mr. Agarwal, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the medical report and the seizure list. He further submits that stridhan articles have already been returned to the victim lady.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when upon completion of investigation charge sheet has been submitted.

Accordingly, we direct that in the event of arrest the petitioner

will 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates specified for hearing.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.2853 of 2021 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)