

23.09.2021

CRM 2865 of 2021

Court No.28
Item No.181
(ALLOWED)

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 18.03.2021 in connection with Panskura Police Station Case No. 91 of 2021 dated 19.02.2021 under Sections 498A/406/323 of the Indian Penal Code;

And

In the matter of : **Arup Bhaumik and others.**

...Petitioners

Mr. Souma Subhra Ray.

...For the Petitioners

**Mr. Imran Ali,
Ms. Sutapa Banerjee.**

... For the State

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection Panskura Police Station Case No. 91 of 2021 dated 19.02.2021 under Sections 498A/406/323 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioners are the sisters in-law and the husband of one of the sisters in-law of the complainant. A complaint has been lodged by the complainant alleging the mental and physical torture and demand of dowry even after eleven years of marriage.

There is no material forthcoming from the case diary to corroborate the allegation of physical torture. Since the case depends upon the degree of evidence to be adduced in this regard, we do not find that it is a fit case where the custodial interrogation of the petitioners is required.

Accordingly, we direct that in the event of arrest the petitioners 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the Investigating Officer as and when called for.

The application for anticipatory bail being CRM 2865 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)