

20.09.2021

CRM 2903 of 2021

Court No.32
Item No.56
(ALLOWED)

akd

In Re:- An application for bail under section 438 of the Code of Criminal Procedure filed on 22.03.2021 in connection with Memari Police Station Case No. 144 of 2021 dated 04.03.2021 under Sections 498A/323/406 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act.

And

In the matter of : **Sujan Manna & Ors.**

...Petitioners.

**Mr. Soumik Ganguli,
Mr. Sourat Nandy.**

...For the Petitioners.

**Mr. Bidyut Kumar Roy,
Mr. Mirza Firoj Ahmed Begg.**

...For the State.

The charges are under Sections 498A, 323 and 406 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

The petitioners say that they have been falsely implicated. They never treated the victim with cruelty.

We have seen the material in the case diary including the statements of the witnesses. The injury report reveals that there was no external injury detected on the body of the victim.

The petitioners say that they have responded to the notice under Section 41A of the Code of Criminal Procedure and are fully co-operating with the Investigating Officer.

This is not disputed on behalf of the State.

On an overall assessment of the nature of allegations, material on record and the co-operative conduct of the petitioners, we are of the opinion that immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Sujan Manna, Hiralal Manna and Kabita Manna** 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 shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioners fail to adhere to any of the conditions

stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2903 of 2021 is, thus, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)