

23.09.2021

CRM 3106 of 2021

court no. : 28
Item no. : PB-196
matter : 438
status : ALLOWED
transcriber : nandy

In Re:- An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 06.04.2021 in connection with Kulpi Police Station Case No. 15 of 2021 dated 16.01.2021 under Sections 498A/304B/306/34 of the Indian Penal Code read with Section 3/ 4 of the Dowry Prohibition Act. (G.R. Case No. 157 of 2021)

and

In the matter of: **Sumitra Halder**

.....Petitioner

Mr. Baidurya Ghosal, Advocate

Mr. Rudra Prasad Mondal, Advocate

.....for the Petitioner

Mr. S.S. Imam, Advocate

Mr. S. Kundu, Advocate

.....for the State

Apprehending arrest in connection with Kulpi Police Station Case No. 15 of 2021 dated 16.01.2021 under Sections 498A/304B/306/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act, the petitioner has filed the instant application for anticipatory bail.

The mother-in-law of the de facto complainant is the petitioner in the instant case. It is not in dispute that the husband of the complainant as well the father-in-law i.e. the husband of the present petitioner has already granted anticipatory bail. The application for anticipatory bail filed by the petitioner along with her husband before the District Judge stood dismissed as there was incriminating materials found against the petitioner.

We have perused the case diary and the statement of the complainant recorded therein. We find that the allegation

is attributable equally against all the accused including the husband and the father-in-law as well as the mother-in-law. There is no specific role attributable to the conduct of the present petitioner. Since the father-in-law has already extended the benefit of Section 438 of the Code of Criminal Procedure and the husband of the de facto complainant has been enlarged on bail, we do not find any justification in rejecting the prayer for anticipatory bail filed by the petitioner.

Thus, the prayer of anticipatory bail is **allowed**.

Accordingly, in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioner shall attend the trial Court on every date of hearing until further order. In default, it is open to the Arresting Officer to apprehend the petitioner immediately without any further reference to this Court.

The application for anticipatory bail being **CRM 3106 of 2021** is thus **disposed of**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)

