

29.09.2021
Item no.33
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3253 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 09.04.2021 in connection with Hariharpara Police Station Case No. 387 of 2020 dated 17.11.2020 under Sections 498A/307/34 of the Indian Penal Code and Sections 3 /4 of Dowry Prohibition Act.

And

In the matter of : Sanoaz Hossain @ Pilot.

.....Petitioner.

Ms. Minoti Gomes, Advocate,
.....for the Petitioner.

Ms. Sukanya Bhattacharya, Advocate,
Mr. Nirupam Dhali, Advocate,
.....for the State.

The petitioner seeks anticipatory bail in connection with offences under Sections 498A/307/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

Learned advocate for the petitioner submits that the petitioner paid an amount of rupees six lakhs to the complainant's wife and they had divorced on the said settlement and thereafter this case has been initiated against the husband on false pretext.

Learned advocate for the State opposes the bail prayer and submits that as per statements of witnesses there are specific allegations which are also supported by the Medical Report.

We have heard learned advocates for both the sides and perused the material in the case diary. Charge-sheet has already been submitted. It appears from the statement that though there are allegations but the Medical Report does not reveal any serious injuries.

Considering the above, we are inclined to allow the petitioner's prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner namely **Sanoaz Hossain @ Pilot** shall 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3253 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)