

08.10.2021
Item no.41
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3663 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 28.04.2021 in connection with Anandapur Police Station Case No. 22 of 2021 dated 23.01.2021 under Sections 498A/323/376/406/34 of the Indian Penal Code read with Sections 3 /4 of the Dowry Prohibition Act.

And

In the matter of : Bablu Roy @ Bablu Ray & Another.

.....Petitioners.

Mr. Arindam Jana, Advocate,
Mr. Soumyajit Chatterjee, Advocate,
.....for the Petitioners.

Mr. S.S. Imam, Advocate,
Mr. Arabinda Manna, Advocate,
.....for the State.

The petitioner no.1 is the husband and the petitioner no.2 is the sister-in-law of the victim lady. The allegation is that the victim used to be tortured and raped by her brother-in-law (husband's brother). When she reported this to her husband and in-laws, they asked her to forgive the brother-in-law. Hence, she did not file any complaint for a long time. Ultimately, it became impossible for her to bear the torture and the behavior of the brother-in-law. Hence, this complaint was filed.

The petitioners say that they have no role to play in the incident. They are fully prepared to co-operate with the Investigating Officer.

We have seen the statement of the victim lady. The main allegation is not against the present petitioners.

On an overall assessment of the material in the case diary and the facts and circumstances of the case as also the possible extent of complicity of the petitioners in the alleged offence, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners namely **Bablu Roy @ Bablu Ray** and **Uttara Ray @ Uttara Roy** 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 and on further condition that the petitioner no.1 shall report to the Investigating Officer once in a fortnight until completion of investigation.

In case the petitioners fail 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 3663 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.)