

07.10.2021
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Allowed

CRM 3795 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kandi P.S Case No. 74 of 2021 dated 05.02.2021 under Sections 498A/304B/302/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

**In the matter of: Md. Anowar Ali @ Anowar Mondal & Anr.
... Petitioners**

Mr. Tapodip Gupta
.... For the Petitioners

Mr. S.G. Mukherjee, Ld. PP
Ms. Faria Hossain
Mr. Aniket Mitra For the State

Learned counsel appearing for the petitioners submits that the petitioners are the in-laws of the deceased and they have been falsely implicated in this case.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that the statement of victim recorded under Section 164 of the Code of Criminal Procedure clearly implicates the petitioners along with the husband.

Learned counsel for the petitioners further submits that the husband has been released on regular bail.

Considering the nature and extent of involvement of the petitioners in the alleged offence, as revealed from the case diary and the medical report which shows that the death was anti mortem suicidal in nature and also having regard to the fact that charge sheet has already been filed, we are of the view that although custodial interrogation of the petitioners may not be necessary in the facts of the case, but their movement requires to be restricted.

Accordingly, we direct that in the event of arrest of the petitioners, they shall be enlarged 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 on further condition that the petitioners shall not enter the territorial jurisdiction of the **Kandi** police station except for the purpose of attending the court proceeding and or/investigation as and when necessary until further order and shall provide the address where they shall presently reside to the investigating agency and the court below.

The petitioners shall surrender before the trial court below within six weeks from date for getting regular bail.

The petitioners shall also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail is, thus allowed.

CRM 3795 of 2021 is thus disposed of.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this court.

(Rabindranath Samanta,J)

(Soumen Sen,J.)