

18.08.2021
Item no.6.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 5065 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 28.07.2021 in connection with English Bazar Women Police Station Case No.104 of 2021 Dated 10.06.2021 under Sections 498A/325 308/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act

And

In the matter of : Amiya Sarkar & Anr.

.....Petitioners.

Mr. Ramdulal Manna,
Mr. Sayan Mukherjeefor the Petitioners.

Mr. Bidyut Kr. Roy,
Mr. Binay Kr. Panda,
Ms. Rita Duttafor the State.

The petitioners are the husband and mother-in-law of the defacto complainant and plead innocence. It is submitted that they have been falsely implicated.

The State produces the case diary and refers to the statements of witnesses recorded under Section 161 of the Code and also the injury report of the victim.

It appears that the victim was hospitalized for a day though the report does not speak of any significant injury.

Having considered the material available in the case diary and extent of complicity of the petitioners in the alleged

offence, we are inclined to hold 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 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 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 C.R.M. No.5065 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.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)