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16.11.2021.  
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**C.R.M. 5134 of 2021**  
**(via video conference)**

In the matter of: an application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 03.08.2021 in connection with Amherst Street Police Station Case No. 119 of 2021 dated 19.06.2021 under Sections 498A/406/323/506/34 of the Indian Penal Code and under Sections 3 & 4 of the Dowry Prohibition Act adding Sections 376/354C/354D of the Indian Penal Code.

And

In re.: Shri Abhishek Sureka & Ors. .... Petitioners.

Mr. Ayan Bhattacharya,  
Mr. Indrajit Adhikary,  
Mr. Pawan Kumar Gupta,  
Mr. Somnath Roy,  
Ms. Sofia Nesan. ... for the petitioners

Mr. Narayan Prasad Agarwala,  
Mr. Ashok Das. ... for the State.

The petitioners seek anticipatory bail.

The learned Advocate for the petitioners submits that initially a First Information Report was lodged under Section 498A of the Indian Penal Code in which the petitioners obtained bail from the jurisdictional Court. He further submits that subsequently, on the refusal of the petitioners to visit the Police Station for a purported reconciliation, three other Sections namely, 376, 354C and 354D of the Indian Penal Code were added necessitating the petitioners to approach the Court for anticipatory bail. He submits that there is no substance in the allegations sought to be subsequently levelled against the petitioners.

The learned Advocate for the State draws the attention of this Court to the contents of the case diary including the statements recorded under Section 164 of the

Code of Criminal Procedure. In answer to a query from Court, he submits that the victim is yet to undergo any medical test.

Considering the materials in the case diary and considering the fact that the petitioners were already granted bail by the jurisdictional Court and considering the fact that three more Sections of the Indian Penal Code were sought to be invoked subsequently, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos.1, 2 and 4 shall meet the Investigating Officer of the case as and when called for and the petitioner no.3 will co-operate with the investigation until further orders.

C.R.M. No. 5134 of 2021 is disposed of.

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

***(Debangsu Basak, J.)***

***(Ananda Kumar Mukherjee, J.)***