

22.12.2021
Court No.32
rpan / **02**

C.R.M. 5534 of 2021

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Nur Hasan & Others**

- Petitioner

Mr. Saikat Chatterjee,
Mr. Abdur Rakib

....for the Petitioners.

Mr. Debabrata Chatterjee,
Ms. Mausumi Sarkar

....for the State.

As prayed for, leave is granted to the learned advocate-on-record of the petitioners to correct the cause title of the application for anticipatory bail.

Apprehending arrest in connection with Rampurhat Police Station Case No.321 of 2021 dated 26.07.2021 under Sections 498(A)/307 of the Indian Penal Code, 1860 read with Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Mr. Rakib, learned advocate appearing for the petitioners submits that the petitioner no.1 is the husband of the *de facto* complainant and the petitioner nos.2 and 3 are the neighbours. They have been falsely implicated and the alleged incident occurred after ten years of the marriage of the victim/*de facto* complainant with the petitioner no.1. He further submits that the victim/*de facto* complainant willingly left her matrimonial house and started residing at her parental house along with her

child. Ventilating such grievance the petitioner no.1 has filed an application under Section 97 of the Code. It is only after the summons were issued in the said case, the complaint was lodged by the *de facto* complainant. Upon completion of investigation charge sheet has also been submitted and in view thereof, custodial interrogation is not warranted.

Mr. Chatterjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code of Criminal Procedure.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when, upon completion of investigation charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Nur Hasan, Sahjahan Sk @ Kiran** and **Miraj Hossain @ Chottu Sk** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 5534 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)