

25.11.2021

Court No.29
Item No.129
(Allowed)

CRM 6178 of 2021

Saswata

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Harischandrapur Police Station Case No. 577 of 2021 dated 06.08.2021 under Sections 498(A)/325/313 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.;

And

In the matter of : **Fatik Chand Saha**

...Petitioner

Ms. Minoti Gomes

...For the Petitioner

Mr. S.S. Imam

Mr. S. Kundu

...For the State.

The petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. This is the second marriage for both the *de facto* complainant and the petitioner. The petitioner is a BSF personnel.

Learned advocate appearing for the State draws our attention to the contents in the case diary.

Considering the materials in the case diary and the gravity of the offence and the complicity of the petitioner, therein, we grant anticipatory bail to the petitioner.

The prayer for anticipatory is, thus, ***allowed***.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Digha Costal Mohana Police Station Case No. 10 of 2021 dated 18.03.2021 under Sections 420/406/506/34 of the Indian Penal Code,;

And
the Investigating Officer once in a month until further orders.

In the matter of : **Om Prakash Yadav & Anr.**

The application for anticipatory bail is, thus, allowed.

Mr. Samir Roychowdhury

...For the Petitioners

Mr. Md. Anwar Hossain

(Debangsu Basak, J.)

Ms. Sreyashee Biswas

Mr. Pratick Bose

...For the State.

(Bibahas Ranjan De, J.)

The instant case is taken out of turn on the consent of both the parties.

Apprehending arrest in connection with Digha Costal Mohana Police Station Case No. 10 of 2021 dated 18.03.2021 under Sections 420/406/506/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The learned Advocate for the petitioners submits that the instant case has been initiated against them in relation to a civil transaction when admittedly, the complaint is bereft of any ingredients concerning the charging Sections. It is submitted that an agreement for sale of a portion of the property was entered into with the petitioners and the *de facto* complainant and the entire consideration money was paid.

The State opposes the prayer for bail and draws our attention to the complaint filed by the *de facto* complainant.

After hearing respective counsels and on perusal of the complaint, we do not think that custodial interrogation of the petitioners is necessary and the petitioners may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners