

29.09.2021
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Ct. No. 29
KAUSHIK
Partly Allowed

C.R.M. 6387 of 2021
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Lake Town** Police Station Case No. **217** of **2021** dated **26.08.2021** under Sections 498A/325/307/506/406/34 of the Indian Penal Code, 1860.

And

In Re : Kishan Chhaochharia & Ors.

..... petitioners

Mr. Samrat Goswami

.....for the petitioners

Mr. Joydeep Biswas

Mr. Deepnath Roy Chowdhury

....for the de-facto complainant

Mr. Rudradipta Nandy

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, the marriage took place more than seven years back. The petitioners were falsely implicated. The petitioner no. 1 was accompanied by another person on that day and that Close Circuit Television Footage will establish such fact.

State and the de-facto complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the injury report and a statement recorded under Section 161 of the Code of Criminal Procedure.

Considering the injury report and the statements available with the police at this stage, we are unable to grant anticipatory bail to the petitioner no. 1 (Kishan Chhaochharia). We, however, grant anticipatory bail to the petitioner nos. 2 to 4, Indu Chhaochharia, Sri Niranjana Lal Chhaochharia and Nisha Raina respectively.

Accordingly, we direct that 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, to the satisfaction of the arresting officer and also be 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 no. 3 will report to the Investigating Officer once in a week till the conclusion of the investigation and petitioner nos. 2 and 4 will cooperate with the investigation and shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

The de-facto complainant is at liberty to take appropriate steps with regard to the recovery of 'stridhan articles' in accordance with law. It is expected that the investigating agency will endeavor to recover the 'stridhan articles' as expeditiously as possible.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)