

10.11.2021

CRM 6918 of 2021

Court No.28
Item No.37
(ALLOWED)

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 07.10.2021 in connection with Kaliachak Police Station Case No. 860 of 2021 dated 18.08.2021 under Sections 498A/323/326/313/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act;

And

In the matter of : **Sakila Bibi @ Jemi @ Sakila Banu.**
...Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder,
Mr. Ashim Debnath.

...For the Petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP,
Ms. Sutapa Banerjee.

... For the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Kaliachak Police Station Case No. 860 of 2021 dated 18.08.2021 under Sections 498A/323/326/313/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Learned Advocate for the petitioner submits that a case has been initiated against the petitioner alleging termination of foetus by administering medicine.

It is further alleged that since the date after marriage there was a constant demand of dowry and the torture was also inflicted upon the complainant.

Learned Public Prosecutor submits that there is no corroborative evidence in support of the aforesaid allegation.

In view of the above, we do not find any justification in the custodial interrogation of the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, 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 Procedure, 1973 and on further condition that the petitioner shall meet the investigating officer once in a fortnight until further orders.

The application for anticipatory bail being CRM 6918 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Rabindranath Samanta, J.)