09.02.2021
Item No.128
Ct.No.28
subha
Allowed

C.R.M. 7192 of 2020
(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In the matter of : Som Shankar Banerjee & Anr... Petitioners.

Mr. Dipayan Kundu
Mr. Subhabrata Chowdhury
... For the Petitioners.

Mr. Imran Ali
Mr. Mirza Firoj Ahmed Begg ... For the State.

Mr. Arindam Jana
Mr. Soumajit Chatterjee
...for the de facto complainant.

Apprehending arrest in connection with Dum Dum Police Station Case No. 543 of 2020 dated 08-09-2020 under Sections 498A/406 of the Indian Penal Code, the present application has been filed.

Mr. Kundu, learned advocate appearing for the petitioners submits that pursuant to the order dated 1st October, 2020, the investigating agency has effected seizure in respect of stridhan articles.

Mr. Jana, learned advocate appearing for the de facto complainant opposes such prayer and hands over a

complaint addressed to the concerned Officer-in-Charge of Dum Dum Police Station. Let the same be kept with the record.

We have perused the report filed by the Investigating Officer of the case along with the seizure list.

The present petitioners happen to be the husband and sister-in-law of the complainant. The case was registered on September 8, 2020 and the majority of the items as alleged, which have been misappropriated according to the complaint, has also been recovered. The police report does not reflect that there has been any act of non-cooperation from the side of the petitioners.

Having regard to the fact that the marriage was solemnized five years prior to the date of complaint filed with the concerned police station and the petitioners having complied with the earlier directions passed by this court, we are of the opinion that custodial detention of the petitioners may not be warranted in the facts and circumstances of the instant case.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Som Shankar Banerjee and Nabanita Mukherjee** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) 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 7192 of 2020 is, thus, allowed.

(Tirthankar Ghosh, J.) **(Tapabrata Chakraborty, J.)**