

18.02.2021
Court No.28
rpan /124

C.R.M. 8136 of 2020
with
CRAN 1 of 2020
(Via Video Conference)

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

And

In Re : **Palash Karmakar & Others**

...Petitioners.

Mr. Suman De

....for the petitioners.

Mr. Sudip Ghosh,

Mr. Bitasok Banerjee

....for the State.

The petitioners undertake to affirm and stamp the petition/application as per Rules within 48 hours from date. Subject to such undertaking, the application is taken up for hearing. The application, being CRAN No. 1 of 2020 is, accordingly, disposed of.

Apprehending arrest in connection with Tamluk Police Station case no.29 of 2019 dated 11.1.2019 under Sections 498A/323/307/379/406/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, the petitioners have filed the present application.

The learned advocate appearing for the petitioners submits that the petitioner no.1, 2, 4, 5 and 6 are the husband, elder brother-in-law, father-in-law, mother-in-law and younger brother-in-law of the *de facto* / complainant respectively and the petitioner no.3 is the wife of the

petitioner no.2 and the petitioner no.7 is the wife of the petitioner no.6. They have been falsely implicated on the basis of a complaint lodged about eight years after the marriage was solemnized. He further submits that upon completion of investigation, charge sheet has also been filed. In view thereof, custodial detention of the petitioners is not warranted.

The learned advocate appearing for the State opposes the petitioners' prayer.

Having heard the learned advocates and upon considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that their custodial detention is not necessary.

Accordingly, we allow the application and direct that in the event of arrest the petitioners, *viz.*, **1. Palash Karmakar, 2. Shankar Karmakar, 3. Reba Karmakar, 4. Gopal Karmakar, 5. Jogmaya Karmakar, 6. Radha Pada Karmakar and 7. Shyamali Karmakar** 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 8136 of 2020, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)