

04.03.2021

Court No.28

rpan/ 23

C.R.M. 10733 of 2020
(Via video Conference)

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

And

In re: **Smt. Puspa Rani Dey & Others**

.....Petitioners.

Mr. Krishnendu Bhattacharya,
Mr. Ashim Kumar Barman,
Mr. Priyankar Ganguly

....For the Petitioners

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. Tanmay Kr. Ghosh,
Ms. Sima Biswas

.....For the State

Mr. Soumyajit Das Mahapatra

... For the *de facto* complainant

Apprehending arrest in connection with Medinipur All Women Police Station Case No. 113 of 2020 dated 06.11.2020 under sections 498A/323/307/313/506/34 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 for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the instant case. He adds that there are no allegations so far as the parents-in-law are concerned and the single allegation is against the husband assaulting the wife.

Learned advocate for the State opposes the prayer and draws the attention of this Court to the medical report as well as the statements of the witnesses.

Mr. Mahapatra, learned advocate for the *de facto* complainant is present and vehemently opposes the prayer.

We have taken into account the materials herein in the case diary and on an assessment of the same, we are of the opinion that there are specific allegations against the husband i.e., the petitioner no.3 and as such, the prayer for anticipatory bail of the petitioner no.3, namely, **Sri Brotin Dey** is rejected.

So far as the petitioner nos. 1 and 2, being the mother-in-law and the father-in-law respectively are concerned, we are of the opinion that their custodial interrogation may not be warranted in the facts and circumstances of the case. As such, the prayer for the anticipatory bail of the petitioner nos.1 and 2 is allowed.

Accordingly, we direct that in the event of arrest the petitioner nos.1 and 2, namely, **Smt. Puspa Rani Dey and Sri Anil Chandra Dey** respectively shall be released on bail upon furnishing a bond of ₹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 No. 10733 of 2020, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

