

11.03.21 In re: An application for anticipatory bail under Section 438 of the
(S.R.) Code of Criminal Procedure filed in connection with **English Bazar**
Sl.32 **Women** Police Station Case **No.120 of 2020** dated **06.11.2020** under
Ct.28 Sections **498A/307** of the Indian Penal Code, 1860 read with Sections
3/4 of the Dowry Prohibition Act;

And

In re: Biplab Mandal

... petitioner.

Mr. Aniket Mitra

Mr. Swarvanu Saha

... for the petitioner.

Mr. Imran Ali

Mr. Sk. Arif Hossain

...for the State.

The learned advocate appearing for the petitioner submits that the alleged incident occurred on 4th December, 2019 and the complaint had been lodged about eleven months thereafter falsely implicating the petitioner. The allegations levelled against the petitioner are absolutely unfounded and as such his custodial interrogation is not necessary.

The learned advocate appearing for the State has drawn our attention to the statement of the victim lady, as recorded under Section 164 of the Code.

Considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Biplab Mandal** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Accordingly, the application for anticipatory bail being CRM No.10891 of 2020 is allowed.

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.)

