

15.03.2021

CRM 11055 of 2020

Court No. 02
Item No. 130
snandy

(anti-bail allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 22.12.2020 in connection with Raghunathganj Police Station Case No. 317 of 2020 dated 06.07.2020 under Sections 498A/304B of the Indian Penal Code Section 3/4 of the Dowry Prohibition Act. (G.R. Case No. 1119 of 2020)

and

In the matter of: **Mariyam Bewa & Anr.**

..... Petitioners

Mr. Usof Ali Dewan, Advocate

Mr. Asif Dewan, Advocate

.....for the Petitioners

Mr. Bidyut Kumar Roy, Advocate

Ms. Rita Dutta, Advocate

..... for the State

Apprehending arrest in connection with Raghunathganj Police Station Case No. 317 of 2020 dated 06.07.2020 under Sections 498A/304B of the Indian Penal Code Section 3/4 of the Dowry Prohibition Act, the petitioners have filed the instant application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure.

It is submitted by the learned Advocate of the petitioners that petitioner no. 1 is septuagenarian and the mother-in-law of the victim and the petitioner no. 2 is the unmarried daughter of the sister-in-law of the victim and they have been falsely implicated in the instant case. It is submitted that the husband of the victim and the mother of the petitioner no. 2 have already been enlarged on bail and, therefore, there is no necessity of custodial interrogation of the petitioners.

The learned Advocate for the State opposes the prayer for bail and submitted that serious allegations under Section 498A of IPC and Section 3/4 of the Dowry Prohibition Act have been made. The statement of the neighbours would corroborate such incident.

On hearing the respective Counsel and on perusal of the materials available in the case diary, It appears the husband as well as the sister-in-law have already been enlarged on bail. Furthermore, petitioner no. 2

is the unmarried daughter, the mother whereof has already been enlarged on bail and the petitioner no. 1 being septuagenarian and her son has already been enlarged on bail, we do not find any justification in rejecting the prayer for anticipatory bail.

Accordingly, the prayer for anticipatory bail is **allowed**.

Therefore, we direct that in the event of arrest, the petitioners, be released on bail upon furnishing a bond of Rs.10,000/- each (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that they will attend the case on each day when it is fixed for hearing. Default on a solitary occasion without any justifiable case may disentitle them the privilege so extended and the learned Sessions Judge shall be at liberty to pass an appropriate order without any reference to this Court.

The application being **CRM 11055 of 2020** accordingly **disposed of**.

(Harish Tandon, J.)

(Abhijit Gangopadhyay, J.)