

08.02.2021
Item No.159
Ct.No.28
Subha
Allowed

C.R.M. 11105 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 : Nadeem Ayaz Salim & Anr.
.....petitioners.

Mr. Apalak Basu
Mr. Sibojyoti Chakrabarti
Ms. Geniya Mukherjee
Mr. Aman Gupta

... For the petitioners.

Ms. Sreeparna Das

... For the State.

Apprehending arrest in connection with Kharagpur(Town) Police Station Case No. 462 of 2020 dated 02.11.2020 under Sections 498A/406/323/307 of the Indian Penal Code and under Section 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Mr. Basu, learned advocate appearing for the petitioners submits that the petitioner no.1 is the husband of the *de facto* complainant. Their marriage was solemnized on 17th September, 2010. In the year 2018, the *de facto* complainant left her matrimonial house. The petitioner no.2 is the married sister -in-law and she is residing separately.

Both the petitioners have been falsely implicated. In the said conspectus, custodial detention of the petitioners is not necessary.

Learned advocate appearing for the State opposes the petitioners' prayer.

Having heard the learned advocates and considering the materials on record 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 custodial detention of the petitioners is not warranted in the facts and circumstances of the case.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Nadeem Ayaz Salim and Nahid Yusuf @ Husanar Yosuf**, 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 11105 of 2020 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

