

26.03.2021
Ct.04
RP 126
Allowed

CRM 11242 of 2020

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Rajnagar Police Station Case No.44 dated 16.09.2020 under Sections 498A/406 of the Indian Penal Code read with Section 3/ 4 of the Dowry Prohibition Act.

And

In the matter of : Sk. Shahjamal

.... Petitioner

Mr. Saryati Datta
Mr. Sanjib Kumar Dan

.... For the Petitioner

Mr. P.K. Dutta, APP
Mr. Santanu Deb Roy

.... For the State

The present application under section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Sk. Shahjamal is taken up for hearing and order.

It is submitted on behalf of petitioner that he is the husband of the de facto complainant and has been falsely implicated in the instant case. FIR was lodged seven months after the de facto complainant left her matrimonial home. Other co-accused have been granted anticipatory bail earlier.

The State produces the case diary and opposes the prayer for anticipatory bail.

It transpires that the allegation against the petitioner is general and omnibus in nature and the co-accused standing on the same footing as that of the petitioner have

been granted anticipatory bail earlier. In the circumstances, we are inclined to extend the same privilege to the petitioner also.

Accordingly, in the event of arrest, the petitioner is directed to be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount to the satisfaction of the Arresting Officer. The petitioner will abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 11242 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)

