

C.R.M. 11282 of 2020

Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Asansol (W) Police Station Case No. 75 of 2020 dated 04.08.2020 under section 498A/323/324/406/506/34/354/376/511 of the Indian Penal Code read with section 3 and 4 of the Dowry Prohibition Act.

In re : Sanjoy Kumar Gupta & anr.

... Petitioners.

Ms. Minoti Gomes,
Mr. Apurba Kumar Datta

... for Petitioners.

Mr. Bidyut Kumar Roy,
Ms. Miss Rita Datta

... for State.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Sanjoy Kumar Gupta & anr. is taken up for hearing and order.

It is submitted on behalf of the petitioners that they are the husband and father-in-law of the de facto complainant and are innocent. The de facto complainant intended to reside with her husband at his place of work in Chennai and on being refused due to financial crunch, she lodged the false complaint against all the members of her matrimonial family.

The State opposes the prayer for anticipatory bail and refers to the statement of the de facto complainant under Section 164 of the Cr.P.C.

It appears that the de facto complainant is aged about 37 years and it is submitted that she was married for less than one year.

Allegations made out against the petitioners do not justify their custodial interrogation.

Considering the material available to us, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in event of arrest, the petitioners shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand) only each with two sureties of like amount each to the satisfaction of the arresting officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, accordingly, allowed.

C.R.M. 11282 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)