

21.01.2021
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**CRM 67 of 2021
(Through Video Conference)**

Bikash Singha Petitioner
Vs.
The State of West Bengal ... Respondent

Mr. Hillol Saha Podder, Advocate
...for the Petitioner. Present in Court.

Mr. Niloy Chakraborty with
Mr. Biswarup Roy, Advocates
...for the State. Present in Court.

The present application has been filed for grant of pre-arrest bail to the petitioner in Kharibari P.S. Case No.25 of 2020 dated 24.1.2020 registered under Sections 498A/376/511 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, 1961.

The learned counsel for the petitioner submitted that the petitioner is serving as constable in BSF and presently posted in Meghalaya. His marriage with the complainant was solemnized on 4.1.2018. The complainant is serving as a civil volunteer with Kharibari Police Station, District Darjeeling. The only allegation against the petitioner in the FIR is under Section 498A of the Indian Penal Code. The petitioner most of the time remained on duty. During that period the complainant used to reside mostly with her parents. The other three accused, against whom serious allegations have been

made, have already been granted pre-arrest bail by the learned Sessions Judge, Darjeeling vide order dated 24.2.2020. Even if there are any minor issues, the petitioner is ready and willing to resolve the same.

On the other hand, the learned counsel for the respondent submitted that even if the petitioner is not directly torturing the complainant, any act on the part of the family members to which the petitioner is consenting or not objecting to, will amount to an offence committed under Section 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act, 1961.

After hearing learned counsels for the parties and considering the fact that in the matrimonial dispute between the petitioner and the complainant the allegations are regarding demand of dowry and the petitioner is serving as constable in BSF, he deserves concession of pre-arrest bail as the issues can be resolved amicably with the intervention of either elders in the family or in the Mediation Centre.

Keeping in view the aforesaid factual matrix, in our opinion, the petitioner deserves the concession of pre-arrest bail. Accordingly, in case of arrest, the petitioner shall be released on furnishing of bail bonds to the satisfaction of the arresting officer. In addition, the petitioner will abide by the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

To make an effort to resolve the dispute, let the petitioner as well as the complainant appear before the Mediation Centre at Siliguri on February 10, 2021. The petitioner shall inform the complainant about the date of appearance before the Mediation Centre.

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CRM 67 of 2021 is disposed of.

(Rajesh Bindal, J.)

(Saugata Bhattacharyya, J.)