

23.06.2021

Court No. 28
Item No. JB-07
nandy/seth

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

(bail - allowed)

CRM 663 of 2021

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 08.06.2021 in connection with Sahebganj Police Station Case No. 76 of 2021 dated 06.03.2021 under Sections 498A/325/307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act (G.R. Case No. (1) 96 of 2021).

and

In the matter of: **Adam Miya @ Adam Miah @ Adam Sekh & Ors.**

..... Petitioners

Ms. Arpita Saha, Advocate

Mr. Hillol Saha Poddar, Advocate

.....for the Petitioners

Mr. Arun Sarkar, Advocate

Ms. Namrata Das, Advocate

..... for the State

Advocate-on-record of the petitioners undertake to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioners have filed the instant application for anticipatory bail in connection with Sahebganj Police Station Case No. 76 of 2021 dated 06.03.2021 under Sections 498A/325/307/ 334 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

Learned Advocate for the petitioners submits that the petitioners are in-law members of the victim complainant and they have been falsely implicated in the instant case in consequence of strained matrimonial relationship of the principal accused Hafijul Haque/husband with the victim wife. According to the petitioner, investigation has been completed and charge-sheet has been

submitted for which custodial interrogation of the petitioners is no longer needed.

Learned Advocate for the State raises objection submitting that there are statements revealing commission of cruelty upon the victim over demand of money. But there is no medical evidence in support of the injury sustained by the victim so as to categorize the same to be grievous in nature.

Having considered the submission of both sides and bearing in mind the extent of involvement of the petitioners together with omnibus allegations raised against them over matrimonial relationship between the principal accused and the victim being strained, and the fact that investigation has been completed with submission of chargesheet, we are of the view that custodial interrogation of the petitioners, is not justified.

As such, the prayer for anticipatory bail is **allowed**.

Accordingly, we direct that in the event of arrest, the petitioners, shall 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 subject to the conditions enshrined under Section 438(2) of the Code of Criminal Procedure.

The application being **CRM 663 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)