

(Through Video Conference)

CRM (A) 104 of 2022

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.01.2022 in connection with Contai Police Station Case No. 412 of 2021 dated 02.11.2021 under Sections 498A/323/325/307/506/34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

-And-

In the matter of : **Sk. Ilias alias Sk. Eleaus & Anr.**

... ..Petitioners

Mr. Arun Kr. Das, Advocate

... .. For the Petitioners

Mr. Irman Ali, Advocate

Mr. M.F.A. Begg, Advocate

... .. For the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioners were falsely implicated.

Learned Advocate appearing for the State submits that the petitioner no. 1 is the husband of the de facto complainant. He draws the attention of the Court to the statement recorded under Section 164 of the Code of Criminal Procedure of the de facto complainant.

Considering the statement recorded under Section 164 of the Code of Criminal Procedure of the de facto complainant, we are unable to grant anticipatory bail to the petitioner no. 1. However, we are inclined to grant anticipatory bail to the petitioner no. 2 (Sahidul Islam alias Saidul Islam) given the complicity of the petitioner no. 2 as appearing from the materials in the case diary.

Accordingly, we direct that in the event of arrest, the petitioner no. 2 (Sahidul Islam alias Saidul Islam) shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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 and with a further condition that the petitioner no. 2 (Sahidul Islam alias Saidul Islam) will report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that petitioners shall appear before the Court below and pray for regular bail within four weeks from date.

The prayer for anticipatory bail is partly allowed.

CRM (A) 104 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)