

CRM(A) No.105 of 2022

Via video conference

01.02.22

(S.R.)

Sl.23

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Berhampore** Police Station Case No.661 of 2021 dated 05/07/2021 under Sections 498A/323/307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act;

And

In re: Robiul Sk.

... petitioner.

Ms. Pramita Banerjee

... for the petitioner.

Mr. S.S. Imam

Mr. Arabinda Manna

...for the State.

Heard the learned lawyer for the petitioner and perused the case diary.

Charge sheet has been filed in this case, as submitted by the learned lawyer representing the State.

On perusal of the case diary, we are unable to find any statement of the victim recorded under Section 164 of the Code of Criminal Procedure. No injury report is there. Statements of witnesses and victim are not corroborated by any medical document. Since, charge sheet has been filed custodial detention for interrogation of the present petitioner, being the husband, is not necessary.

Accordingly, we are inclined to allow anticipatory bail on furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, 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.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply

with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.105 of 2022 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)