

27.01.2022
Serial no.62

Aloke
Ct. No. 29

(Through Video Conference)

CRM (A) 341 of 2022

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 20.01.2022 in connection with Rampurhat Police Station Case No. 254 of 2021 dated 17.06.2021 under Sections 498A/323/325/307/323/34 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act.

-And-

In the matter of : **Rekiba Bibi @ Reba Bibi & Anr.**

... ..Petitioners

Mr. Prosenjit Mukherjee, Advocate

... .. For the Petitioners

Mr. Imran Ali, Advocate

Ms. Debjani Sahu, Advocate

... .. For the State

Petitioners renew the prayer for anticipatory bail.

Learned Advocate appearing for the petitioners submits that there is material change in circumstances subsequent to the order of the rejection dated September 21, 2021. The police filed charge-sheet subsequent to such order of rejection. Moreover, the husband surrendered before the jurisdictional Court and was granted bail. He submits that the earlier rejection was premised upon the fact that the husband although being granted bail did not appear before the jurisdictional Court on the subsequent date. Such conduct of the husband subsequently stands cured.

Learned Advocate appearing for the State draws the attention to the statement recorded under Section 161 of the Code of Criminal Procedure.

Considering the fact that the police concluded the investigation and filed charge-sheet without the requirement of custodial interrogation of the petitioners and considering the fact that there is material change in circumstances subsequent to the earlier order of rejection dated September 21, 2021 in the sense that the police filed charge-sheet and that the husband

had granted bail by the jurisdictional Court, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date and on further condition that the petitioners shall appear before the Court below on every date fixed for hearing.

The prayer for anticipatory bail is allowed.

CRM (A) 341 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)