

07.06.2022
Sl. No.63
akd
[ALLOWED]

C. R. M. (A) 2369 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.05.2022 in connection with Nabadwip Police Station Case No. 504 of 2021 dated 14.11.2021 under Sections 498A/304B/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re: ***Saraswati Bairagya & Anr.***

... .. Petitioners

Mr. Aniket Mitra
Mr. Swarvanu Saha

... .. for the petitioners

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioners they are the in-laws of the victim-housewife. Victim had married the son of petitioner no.1 out of love. Allegation of demand of dowry by the petitioners are patently absurd and inherently improbable. Petitioners have been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the victim-housewife was subjected to torture over demands of dowry. She committed suicide within two years of marriage.

We have considered the materials on record. Allegation of demand of dowry by the petitioners i.e. the mother-in-law and brother-in-law respectively of the victim-housewife has to be assessed in the light of the fact that the parties had married out of a love affair. Allegations are general and omnibus in nature. Investigation is complete. Under such circumstances, we are of the opinion custodial interrogation of the accused/petitioners may not be necessary in the facts of the present case and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Saraswati Bairagya & (2) Amit Bairagya**, 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 also 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.

The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)