

15.06.2022
Sl. No.120
akd
[ALLOWED]

C. R. M. (A) 2448 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 26.05.2022 in connection with Thakurpukur Police Station Case No. 124 dated 10.05.2022 under Sections 498A/406/354/323/120B of the Indian Penal Code, Sections 3/4 of the Dowry Prohibition Act and Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

And

In Re: ***Amitava Bairagi @ Amitav Bairagi & Ors.***

... .. Petitioners

Mr. Satadru Lahiri
Mr. Safdar Azam

... .. for the petitioners

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

... .. for the State

Report is placed on record.

It appears from the report petitioners are also members of the scheduled caste community. Hence, Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not attracted in the facts of the present case. Hence, application for anticipatory bail of the petitioners is entertained.

Having considered the materials on record and keeping in mind the general and omnibus nature of allegations in the light of the submission that the instant case is a counter-blast to a matrimonial proceeding instituted by petitioner no.2 against the de-facto complainant wife, 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) Amitava Bairagi @ Amitav Bairagi,***

(2) Arindam Bairagi & (3) Anup Bairagi @ Anup Kumar Bairagi, 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.)