

6 13.07.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 2808 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Serampore P.S. Case No.139 of 2022** dated **05/05/2022** under Sections **498A/406** of the Indian Penal Code.

And

In the matter of: Ravi Nontu Roy alias Rabi Roy & Anr.
....petitioners.

Mr. Kallol Mondal
Mr. Arindam Sen
Mr. Saurav Basu
Mr. Samit Bhanja

...for the petitioners.

Mr. Angshuman Chakraborty

...for the State.

Mr. Sanjib Mitra
Mr. Suryasarathi Basu

... for the de facto complainant.

The petition is taken up for consideration subsequent to the order dated July 11, 2022.

Report submitted in Court be taken on record.

The report states that the police entered into the concerned room and did not find any stridhan articles.

Learned Advocate appearing for the petitioners draws the attention of the Court to a video recording. He submits that such video recording will demonstrate that the de facto complainant received all the stridhan articles when she left the matrimonial house. So far as the amount of Rs.26 lakh is concerned, the sum was paid to the developer. The de facto complainant and the first petitioner are the joint owners of the property purchased with such money.

State and the de facto complainant are represented.

Learned Advocate appearing for the State refers to the case diary.

Learned Advocate appearing for the de facto complainant submits that stridhan articles are yet to be recovered.

Prima facie, it appears that the stridhan articles were taken by the de facto complainant when she left her matrimonial house. Such *prima facie* finding is returned on the basis of the video recording produced in Court. The first petitioner will submit the video recording with the Investigating Officer forthwith and not later than this week.

Again, *prima facie*, the sum of Rs.26 lakhs was used for the purchase of a flat in the joint names.

In such circumstances, we 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 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 petitioner no.1, namely, Ravi Nontu Roy alias Rabi Roy, will report before the Investigating Officer as and when called for till the conclusion of the investigation and petitioner no.2, namely, Shamali Nontu Roy alias Shayamali Roy, will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the

date fixed for appearance of the accused and in default, the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 2808 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)