

13.01.2022

Court No.32
rpan/ **289**

C.R.M. 5053 of 2021

[Via video Conferencing]

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Sonu Tiwari @ Sonu Kumar Tiwari**

- Petitioner.

Mr. Baidurya Ghosal

... for the Petitioner.

Mr. Arijit Ganguly,

Mr. Sanjib Kumar Dan

... for the State.

Apprehending arrest in connection with Belur Police Station Case No.19 of 2021 dated 22.01.2021 under Sections 498A/325/406/506/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, the petitioner has filed the present application.

Mr. Ghosal, learned advocate appearing for the petitioner submits that the allegations are omnibus in nature. No specific overt act has been attributed to the petitioner. The incident occurred about 5 years after the marriage and other in-laws have already been granted anticipatory bail by the learned court below. In the said conspectus, custodial interrogation of the petitioner is not warranted.

Mr. Dan, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses and the injury report. He submits that investigation is still continuing.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case

diary, the nature of accusations, the injury report and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sonu Tiwari @ Sonu Kumar Tiwari** shall be released on bail upon 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, with a further condition that he shall meet with the Investigating Officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 5053 of 2021, is, thus, disposed of.

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

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)