

13.07.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 3328 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **560** of **2022** dated **25.05.2022** under Sections 498A/323/313/34 of the Indian Penal Code, 1860 read with Sections 3/ 4 of the Dowry Prohibition Act.

And

In Re : Md. Anwar Momin & Ors.

..... petitioners

Mr. Mrityunjoy Chatterjee

....for the petitioners

Mr. Avishek Sinha

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the fact that the police complaint was lodged within seven years of marriage, we are unable to grant anticipatory bail to the petitioner no. 1 (Md. Anwar Momin), who is the husband.

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner no. 1 is concerned.

So far as the petitioner nos. 2 and 3 are concerned, we grant anticipatory bail to the petitioner nos. 2 (Forijuddin Momin) and 3 (Umela Bibi).

Accordingly, we direct that in the event of arrest the petitioner nos. 2 and 3 shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be 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. 2 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner no. 3 shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioner nos. 2 and 3 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 petitioner nos. 2 and 3 in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, partly allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

