

26.07.2022

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Ct. No. 29

KAUSHIK

Partly

Allowed

C.R.M.(A) 3507 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chandrakona** Police Station Case No. **242** of **2022** dated **18.06.2022** under Sections 498A/323/326/34 of the Indian Penal Code, 1860 and Sections 3/ 4 of the Dowry Prohibition Act, 1961.

And

In Re : Ajad Ali Gayen @ Ajad Gayen & Ors.

..... petitioners

Mr. Sk. Sahjahan Ali

....for the petitioners

Ms. Sayanti Santra

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the husband was taken into custody. The police complaint was lodged after eight years of marriage.

Learned advocate appearing for the State draws the attention of the Court to the injury report of the de-facto complainant and to the contents of the First Information Report (FIR).

Before the doctor, the de-facto complainant named the petitioner nos. 4 and 5 apart from her husband, who had assaulted her.

Considering the nature of injuries suffered, the gravity of the offence and the involvement of the petitioners therein, we are unable to grant anticipatory bail to the petitioner nos. 4 (Husen Ali Gayen @ Husen Gayen) and 5 (Selima Khatun).

Accordingly, the application for anticipatory bail is, thus, rejected so far as petitioner nos. 4 and 5 is concerned.

So far as the petitioner nos. 1, 2 and 3 are concerned, we grant anticipatory bail to the petitioner nos. 1 (Ajad Ali Gayen @ Ajad Gayen), 2 (Mahuda Bibi Gayen @ Mahuda Gayen) and 3 (Kasem Ali Gayen @ Kasem Gayen).

Accordingly, we direct that in the event of arrest the petitioner nos. 1, 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 cooperate with the Investigating Officer till the conclusion of the investigation and petitioner nos. 1 and 2 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner nos. 1, 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. 1, 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.)