

CRM 7464 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Satrajit Ganguli & Ors.**

..... petitioners

Mr. Shyamal Mukhopadhyay
Ms. Poulami Roy

.....For the petitioners

Mr. Goutam Wilson

.....For the State

Apprehending arrest in connection with Howrah Women Police Station Case No. 27 of 2021 dated 01.10.2021 under Sections 498A/448/323/506/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Leave is granted to the learned advocate appearing for the petitioners to correct the cause title and the prayer portion of the application.

He submits that the petitioner no. 1 is the husband, the petitioner no. 2 is the father-in-law, the petitioner no. 3 is the mother-in-law and the petitioner no. 4 is the sister-in-law of the victim lady. They have all been falsely implicated in an incident which occurred about five years after the marriage of the petitioner no. 1 with the victim lady. There was a matrimonial dispute and the victim lady filed a divorce suit against the petitioner no. 1 in the year 2019. In the said conspectus, custodial interrogation may

not be necessary and the petitioners may be granted anticipatory bail.

Mr. Wilson, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code and other materials in the case diary. Answering our query he submits that no statement of the victim lady under Section 164 was recorded and that there is no injury report. However, investigation is still continuing.

Heard the learned advocates appearing for the respective parties.

Having considered the materials in the case diary and bearing in mind the nature of accusations in the light of the submissions of the respective parties, we are of the opinion that custodial interrogation of the petitioners is not necessary. However, their movement needs to be restricted.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **Satrajit Ganguli, Dhruba Ganguli, Bakul Ganguli** and **Sanjukta Kakkar** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 direction that the petitioners shall not

enter the jurisdiction of Chatterjeehat Police Station where the victim lady resides and shall intimate the address where they would be residing to the Officer-in-Charge of the Howrah Women Police Station. The petitioners shall also meet with the investigating officer as and when called for.

It is further directed that the petitioners shall not tamper with the evidence and/or intimidate the witnesses. They shall also attend learned Court below on all the dates, as specified for hearing.

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

The application for anticipatory bail, being CRM 7464 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.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)