

04.01.2022

Sl.No. 278

Ct.No. 32

Amalranjan

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

(Via Video Conference)

CRM No. 7851 of 2021

Re: An application for anticipatory bail under Section 438 of
the Code of Criminal Procedure, 1973.

Allowed

In the matter of : Prabhas Dhara @ Provsh Dhara & Anr.

..... Petitioners

Mr. Sandip Chakraborty
Mr. Kaustav Das

...for the Petitioners

Mr. Prasun Kr. Datta
Mr. Nirupam Dhali

...for the State

On the prayer of the learned advocate appearing for
the petitioners, leave is granted to correct the cause title of
the application.

Apprehending arrest in connection with Joypur Police
Station Case No. 101 of 2021 dated 17.06.2021 under
Sections 498A/304B of the Indian Penal Code, and 3/ 4 of
the D.P. Act and Prohibition of Child Marriage Act, 2006, the
petitioner has filed the present application.

Mr. Chakraborty, learned advocate appearing for the
petitioners submits that the petitioner no. 1 is the father-in-
law and the petitioner no. 2 is the married sister-in-law of the
victim. They have been falsely implicated in the instant case

and no overt act has been attributed to them and as such their custodial interrogation may not be necessary since upon completion of investigation chargesheet has already been submitted.

He further submits that the husband and the mother-in-law of the victim have already been granted regular bail by the learned court below.

Mr. Datta, learned advocate appearing for the State opposes the petitioners' prayer and submits that there are incriminating materials on record against the petitioners and as such they are not entitled the relief as prayed for.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not necessary, more so when upon completion of investigation chargesheet has been submitted. *Prima facie*, there is also no possibility that the petitioners would flee from justice or would delay the trial by abscondence.

Accordingly, we allow this application and direct that in the event of arrest the petitioners, namely, **1. Prabhas Dhara @ Provsh Dhara, 2. Puja Dhara** 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, subject 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.

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 case, 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 7851 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.)