

30.09.2022.

62.

AD/KC

(Allowed).

C.R.M. (A) 4804 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chapra P. S.** Case No.402 of 2022 dated 04.07.2022 under Sections **420/406/34** of the Indian Penal Code.

In the matter of : Sabbir Alam Mandal & Ors.
... Petitioners.

Mr. Sabir Ahmed
Mr. Abdur Rakib
...for the Petitioners.

Mr. P.P.Das
Ms. Manasi Roy
.....for the State.

Daughter of the petitioner no. 3 was married to the de-facto complainant. She was subjected to cruelty at the matrimonial home. She lodged criminal case against the de-facto complainant and other in-laws. In retaliation, the present case has been registered.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Daughter of the petitioner no. 3 was subjected to torture by the de-facto complainant and other in-laws. Allegation of cheating requires to be assessed in the light of the aforesaid circumstance.

In view of the facts and circumstances of the case, we are of opinion custodial interrogation of the petitioners is not

necessary and the petitioners may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the trial court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)