

01.03.2023
Serial no. 05
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 718 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Jorasanko** Police Station Case No. **34** of **2022** dated **08.02.2022** under Sections **498A/406/506/34** of the Indian Penal Code and Section **3 & 4** of the Dowry Prohibition Act. G.R. case no. 153 of 2022.

-And-

In the matter of : **Smt. Kajal Upadhyay**
... .. Petitioner

Mr. Pawan Kr. Gupta,
Mr. Rahul Kirkar Pandey,
Ms. Sofia Nesar,
Mr. Santanu Sett, Advocates
... .. *For the Petitioner*

Mr. Avishek Sinha, Advocate
... ..*For the State*

Mr. Amitabha Ghosh, advocate
.. ..*For the de facto complainant*

Petitioner is an in-law of the de facto complainant and residing separately.

Learned advocate appearing for the petitioner relies upon materials to suggest that there is a relationship between the de facto complainant and another person. Reliance is placed on photographs as well as WhattsApp chat messages.

A raid was conducted in the house of the petitioner in order to recover streedhan articles. The raid did not fructify any seizure.

Apparently a co-accused claimed that streedhan articles belonging to the de facto complainant were lying with the petitioner.

Petitioner is a resident of Uttar Pradesh, being her matrimonial home. The matrimonial home of the de facto complainant is in Serampore.

Petitioner will make over the documents relied in Court to the Investigating Officer forthwith.

Considering the materials in the case diary and the complicity of the petitioner in the incident, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 shall cooperate with the investigations till its conclusion and on further condition that the petitioner 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 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 718 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

