

17.05.2023

Serial no. 04

[Dd]

(Anticipatory Bail)

(Allowed)

CRM (A) 1950 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Nadial** Police Station Case No. **53** of **2023** dated **02.04.2023** under Sections **498A, 406, 506, 509/34** of the Indian Penal Code, 1860 read with Sections **3** and **4** of Dowry Prohibition Act.*

-And-

In the matter of : **Safikul Chisty & Ors.**

... .. Petitioners

*Mr. Gautam Chowdhury,
Mr. Taher Ahmed Chowdhury,
Mr. A. Y. Choudhury,
Mr. A. K. Hazra, Advocates*

... .. For the Petitioners

*Mr. S.G. Mukherjee, Id. PP
Mr. Sudip KUMar, Advocates
... ..For the State*

Petitioners and State are represented. De facto complainant is present in Court.

The first information report was registered subsequent to an order passed under Section 156(3) of the Criminal Procedure Code.

There are materials in the case diary suggesting that the petitioners were demanding and obtaining dowry from the de facto complainant subsequent to her marriage.

There is a list of articles and money specified in the petition under Section 156(3) of the Criminal Procedure Code claimed to be streedhan.

Learned advocate appearing for the petitioners submits on instruction that the petitioner no. 1 is ready and willing to return the streedhan specified in the petition under Section 156(3) of the Criminal Procedure Code of the de facto

complainant on June 10, 2023 without prejudice to the rights and contentions over them.

Learned advocate appearing for the petitioners submits on instructions that the petitioner no. 1 is ready and willing to pay interim maintenance at the rate of Rs.10,000/- per month commencing from the month of May, 2023, again wholly without prejudice to his rights and contentions in the proceeding pending under the Domestic Violence Act. He submits on instructions that the petitioner no. 1 will continue to make such payment month by month till such time a competent Court of law decides on the period and quantum of maintenance, if at all payable by the petitioner no. 1 to the de facto complainant.

Learned Public Prosecutor represents the State. He is requested to inform the de facto complainant who is present in Court that she should make over the bank account details to the learned advocate-on-record for the petitioners so that the monthly maintenance as offered by the petitioner no. 1 can be credited to her account.

For the month of May, 2023, petitioner no. 1 will deposit the amount of maintenance as offered, by June 2, 2023. For the month of June and the months thereafter, he will deposit the amount of interim maintenance month by month within 15th of each month. It is clarified that for the month of June, 2023, the petitioner no. 1 will deposit the interim maintenance by June 15, 2023 and for the month of July, 2023, it will be deposited by the July 15, 2023 and likewise.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 nos. 1, 3, 7 and 8 shall report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner nos. 2, 4, 5 and 6 shall cooperate with the investigation till its completion and on further condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

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

CRM (A) 1950 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)