

17.05.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2023 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **455** of **2023** dated **26.04.2023** under Sections 498A/323/307/34 of the Indian Penal Code read with Sectins 3/ 4 of the Dowry Prohibition Act.

And

In Re : Tapati Roy & Ors.

..... petitioners

Mr. Sayan De

Mr. Sayan Kanjilal

Mr. Kaustav Shome

....for the petitioners

Mr. Kaushik Chowdhury

Ms. Busra Khatun

....for the de-facto complainant

Mr. Sudip Kumar

....for the State

State and the de-facto complainant are represented.

In the police complaint, the husband is not an accused.

The police complaint is, inter alia, under Section 498A of the Indian Penal Code, 1860.

Apparently, there are disputes and differences between the de-facto complainant and her mother-in-law.

There is an order passed by the Writ Court in a writ petition filed at the instance of the petitioner no. 1.

There is an issue of false implication.

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/- 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 (Tapati Roy), 2 (Tanushree Dey) and 5 (Bandana Dutta) shall cooperate with the Investigating Officer till the conclusion of the investigation and petitioner nos. 3 (Subhasish Dey) and 4 (Tarun Kumar Dutta) shall meet the Investigating Officer once a month till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

