

18.07.2023  
ML. 105  
Court No. 29  
Suvayan  
(Allowed)

**C.R.M. (A) 2500 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Lake** Police Station Case No. **135** dated **30.05.2023** under Sections **498A/406/506/34** of the IPC and Section **4** of D.P. Act.

And

In the matter of: **Sudhir Saha & Anr.**

....petitioners.

Mr. Kaushik Chatterjee  
Mr. Sayak Majumder

...for the petitioners.

Mr. S. S. Imam  
Mr. R. Jana

...for the State.

Mr. Samrat Choudhury  
Mr. Soumya Kanti Nag  
Mr. Anit Dey

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The petitioners are stated to be the father-in-law and mother-in-law of the victim wife.
3. Learned Counsel for the *de facto* complainant, who has no right of audition by us is quite vehement on the point that the dowry articles have not yet been recovered.
4. *Per contra*, learned Counsel for the State submits that the dowry articles have partly been recovered.
5. Be that as it may, this Court is not concerned with the recovery of dowry articles whatever be the amount calculated by the victim wife. It is the duty of the I.O. From the statement of the witnesses, we find that there is no iota of substantive evidence against the present petitioners to find a *prima facie* case as alleged against them. The investigation is stated to have progressed substantially.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation,

the fact that there is always hope of compromise in matrimonial disputes and such compromise is always in the interest of the family and society and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

7. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
8. Within 21 days from today each of the petitioners shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2500 of 2023** is disposed of.

**(Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**

