

04.08.2023
Sl. No.9
akd
[ALLOWED]

C. R. M. (A) 3081 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.07.2023 in connection with Pukhuria Police Station Case No. 27 of 2023 dated 20.01.2023 under Sections 498A/354/307 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act. (G.R. Case No.188 of 2023)

And

In Re: ***Sahabuddin & Anr.***

... .. Petitioners

Mr. Kallol Mondal
Mr. Musharrof Alam Sk.
Ms. Susmita Ghorai

... .. for the petitioners

Mr. Pravas Bhattacharyya
Mr. Mirza Firoj Ahmed Begg

... .. for the State

Petitioners are the husband and brother-in-law of the victim-housewife respectively. It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case due to domestic quarrel. Accordingly, they pray for anticipatory bail.

Learned Advocate for the State opposes the prayer for anticipatory bail and submit petitioners attempted to strangle the victim.

We have considered the materials on record including the injury report. Injuries are due to fists and kick. They are not grievous. Under such circumstances, we are of the opinion custodial interrogation of the petitioners may not be necessary in the facts of the present case and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners, namely **(1) Sahabuddin & (2) Hesamuddin**, 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 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 court below and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)