

13.10.2023
D/L 35
Ct. No.25
(Allowed)
(SKB)

CRM (A) 4194 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kharagpur (Local) P. S. Case No.706 of 2023 dated 31.08.2023 under Sections 498A/323/307/34 of the Indian Penal Code read with Sections 3 & 4 of D.P. Act (G.R. Case No.2617 of 2023).

In the matter of : Sk. Sakiruddin and another
... Petitioners

Mr. Siddhartha Sarkar,
Mr. Hirak Roy,
Ms. Anita Thokdar
... for the petitioners

Mr. Saibal Bapuli, Id. APP
Mr. Imran Ali,
Ms. Debjani Sahu
... for the State

Mr. Subhadip Paramanik,
Ms. Sumita Sarkar
... for the defacto complainant

1. Heard learned counsel for the parties.
2. The present petitioner no.1 is the husband of the victim lady and the petitioner no.2 is the mother of petitioner no.1.
3. On perusal of the materials as placed before us, we find there are some omnibus allegation of torture against the present petitioners on account of additional demand of dowry after giving birth of a female child by the victim lady.

4. It is fairly submitted at the Bar that in the CD, there is no injury report.
5. 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 G.R. Case No.2617 of 2023 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
8. The applications being CRM(A) 4194 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)