

19.03.2024

Serial no. 11

Anticipatory Bail

[Allowed]

Dd

CRM (A) 929 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Debra** Police Station Case No. **67** of **2024** dated **02.02.2024** under Sections **498A/323/307/354/376/511/506/34** of the Indian Penal Code, 1860 and under Sections **3/4** Dowry Prohibition Act pending before Learned Chief Judicial Magistrate, Paschim Medinipur.*

-And-

In the matter of : **Himadri Das & Ors.**

... .. Petitioners

Mr. Pravas Bhattacharyya, Advocate

... .. For the Petitioners

Mr. Dipankar Mahata, Advocate

... ...For the State

Mr. Pradip Paul

Mr. Gourab Ghosh,

Ms. Renesa Dey, Advocates

... ...For the de facto complainant

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the entire disputes relates to the demand for a sum of Rs.25 lakhs which the petitioners failed to pay to the de facto complainant. He highlights the delay in the lodgment of the first information report.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de facto complainant recorded under Section 164 of the Cr.P.C.

Learned advocate appearing for the de facto complainant submits that, the de facto complainant was regularly tortured by the husband and her in-laws.

We perused the materials in the case diary.

Apart from a certificate from a person claiming to be a doctor there is no other document, corroborating the fact that de facto complainant suffered any injuries in any incident of assault.

Materials in the case diary suggest that there were matrimonial disputes between the de facto complainant and her husband. Mediation in order to settle matrimonial disputes was held. Apparently, money to be paid was also discussed in such mediation.

Materials in the case diary do not suggest requirement of custodial interrogation of the petitioners. There is also an issue of delay in the lodgment of the first information report.

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, 2 and 4 shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner no. 3 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) 929 of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)