

10.04.2024

46

S.D./A.D.

Allowed

C.R.M. (A) No. 1192 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with All Women Police Station Kharagpur being Case No. 124 of 2023 dated 28.11.2023 under Sections 498A/323/509/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act, pending before the Court of learned Additional Chief Judicial Magistrate, Kharagpur, Paschim Medinipur.

And

In Re : Shri Kumar Gaurav

..... petitioner

Mr. Kusal Kumar Mukherjee

Ms. Suchismita Dutta

.....for the petitioner

Mr. Iqbal Kabir

Mr. S.S. Saha

....for the State

Mr. Soumyajit Das Mahapatra

Ms. Madhurai Sinha

...for the de facto complainant

1. Petitioner submits there was a matrimonial dispute and he has been falsely implicated. He prays for anticipatory bail.
2. Learned Lawyer for the State submits petitioner did not respond to the notice under Section 41A Cr.P.C.
3. Learned Lawyer for the de facto complainant submits *stridhan* articles have not been recovered.
4. We have considered the materials on record. Allegations of torture are general and omnibus. There is no medical report supporting the allegation of physical assault. With regard to recovery of *stridhan* articles, we are of the opinion custodial interrogation is not necessary but the

petitioner is required to cooperate with the investigating agency in accordance with law.

5. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 condition he shall meet the Investigating Officer once in a week and co-operate with the Investigating Agency for recovery *stridhan* articles, if any. He shall appear before the jurisdictional Court and pray for regular bail within a period of four weeks from date.
6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)