

16.05.2024
SL No.9
Court No.8
(gc)
(Allowed)

CRM (A) 1670 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Shyampukur Police Station Case No.102 of 2023 dated 03.11.2023 under Sections 306/498A/406/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In the matter of : **Gouri Shankar Shaw**

- Petitioner.

Mr. Sataroop Purakayastha,
Ms. Sangeeta Roy,
Mr. Chandra Prakash,
Ms. Monalisha Maity,
Ms. Jagriti Bhattacharya
... For the Petitioner.

Mr. Saibal Bapuli,
Mr. Soumya Basu Roy Chowdhuri
... For the State.

1. The learned Counsel for the petitioner submits that the petitioner has been falsely implicated. In fact, there is no allegation against the petitioner who is the father-in-law of the victim. Attention of this Court is drawn to the order passed by the ACMM, Calcutta on 4th March, 2024 allowing bail to the principal accused, that is, the husband.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has submitted that there is allegation

against the petitioner and has relied upon the post-mortem report.

3. Considering the materials available in the case diary and the post-mortem report, and that the husband of the victim has been granted bail and the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not necessary.
1. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Gouri Shankar Shaw**, be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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 with a further condition that the present accused petitioner shall appear before the learned Additional Chief Metropolitan Magistrate, Calcutta within two weeks from date and shall appear before the learned Trial Court on each date of substantive hearing subject to the provision of Section 317 of the Cr.P.C.
2. All the conditions are peremptory. In default, this order shall stand recalled without any further reference to this Court.
3. The application for anticipatory bail is, thus, disposed of.

4. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)