

04.07.2024

Court No.29

Item No. 34

Allowed

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CRM (A) 2113 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Diomond Harbour Police Station Case No. 216 of 2024 dated 15.05.2024 corresponding to G.R Case No. 1621 of 2024 under Sections 498A/325/406 of the Indian Penal Code read with under Section 3/4 of the Dowry Prohibition Act.

And

In Re: Mantu Kar & Ors.

Petitioners

Ms. Pampa Dey (Dhabal)

For the Petitioners

Mr. S.S. Imam

Mr. Shiladitya Banerjee

For the State

1. Learned counsel for the petitioners submits that the petitioners are innocent and due to matrimonial dispute they have been falsely implicated in the instant case.
2. Learned counsel for the State in opposing the prayer has referred to the petition filed under Section 161(3) Cr.P.C and the statement of the neighbours.
3. Considering the materials available in the case diary and having regard to the fact that no allegation of physical assault has been made out in the F.I.R, we are of the view that custodial interrogation of the petitioners is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioners namely, **Mantu Kar, Jhantu Kar, Chaya Kar, Sampa Kar, Mamoni Dutta Kar and Tarun Dutta** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom

must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The **petitioner nos. 1,2 and 6** shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report. The **petitioner nos. 3,4 and 5** shall cooperate with the investigation. The petitioners shall appear before learned Additional Chief Judicial Magistrate, Diamond Harbour, South 24 Parganas, within two weeks from date in connection with G.R Case No. 1621 of 2024.

5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
6. 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)