

04.07.2024
Court No.29
Item No. 4

Allowed

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CRM (A) 2082 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 330 of 2024 dated 05.05.2024 under Sections 498A/325/376//511/406/34 of the Indian Penal Code and sections 3/4 of D.P. Act, pending before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia.

And

In Re: **Samiran Mandal & Ors.**

Petitioners

Mr. Asraf Mandal

For the Petitioners

Mr. Rana Mukherjee

Mr. Shiladitya Banerjee

For the State

1. The affidavit of service filed in Court is taken on record.
2. In spite of notice, the de-facto complainant is not represented.
3. The learned Counsel for the petitioners submits that the petitioner no.1 is the husband, petitioner no.2 is the brother-in-law and the petitioner no.3 is the mother-in-law of the complainant. It is submitted that the petitioner no.1 and the complainant were married since 2007 and out of vengeance, this false claim of dowry has been made by the complainant against the present petitioners.
4. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has referred to the injury report and the statement of the de-facto complainant recorded under Section 161 of the Cr.P.C. However, it has been

submitted that the de-facto complainant has refused to record her statement under Section 164 Cr.P.C. and medical examination.

5. Considering the materials available in the case diary and the nature and the nature and extent of complicity of the petitioners in the commission of alleged offence, we are of the view that custodial interrogation of the present petitioners is not necessary.
6. Accordingly, we direct that in the event of arrest the petitioners namely, **Samiran Mandal, Amit Mandal and Sumitra Mandal**, 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, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with a further condition that the petitioner nos. 1 and 2 shall meet the I.O. once in a week till the submission of the final report. The petitioners shall not leave the jurisdiction of District Nadia without the permission of the Investigation Officer till the submission of the final report. The petitioners shall appear before the learned Additional Chief Judicial Magistrate, Tehatta Nadia in connection with S.L. No. 945/2024 within two weeks from date.
7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
8. CRM (A) 2082 of 2024 is, thus, disposed of.
9. 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.)