

18.07.2024
SL No.30
Court No.29
(SSS)
(Partly Allowed)

CRM (A) 2401 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with AJC Bose B. Garden Police Station Case No.231 of 2023 dated 22.10.2023 under Sections 498A/325/406/506 of the Indian Penal Code.

And

In the matter of : **Premlata Prasad and Ors.**

- Petitioners.

Mr. Dipayan Kundu

.....For the petitioners.

Ms. Baisali Basu,

Mr. Asif Dewan

....For the State.

Mr. Randhir Singh,

Mr. Sk. Md. Wasim Akram,

Ms. Manisha Soni,

Mr. Asif Mondal

....For the De facto Complainant.

1. The petitioner No. 1 is the mother of Petitioner Nos. 2 to 6. The petitioner Nos. 2, 4 to 6 are brothers-in-law of the Opposite Party No. 2. The petitioner No. 3 is the married sister-in-law of the Opposite Party No. 2. In the first FIR lodged on 22nd October, 2023 no allegation was made against the present petitioners. However, in a subsequent FIR lodged on 5th November, 2023 allegations have been made against the present petitioners for torture.

2. The learned Counsel for the petitioners submit that the subsequent FIR was a clear afterthought with false accusations.
3. Learned Counsel for the de facto complainant has submitted that there are statements of witness which would show that the de facto complainant was tortured at her matrimonial home before she was left by the in-laws of the principal accused.
4. Learned Counsel for the State has referred to the case diary and the statement of the witnesses.
5. Considering the materials available in the case diary and having regard to the order passed by the learned Single Judge in CRM (SB) 88 of 2024 (Satyam @ Shri Satyam vs. The State of West Bengal) decided on 2nd July, 2024 by Hon'ble Justice Suvra Ghosh and having regard to the fact that no clear accusation has been made in the present petition in the first FIR and also having regard to the extent and nature of the dispute and involvement of the petitioners in the commission of alleged offence, we are of the view that the custodial interrogation of the petitioners are not necessary. Although it is known that the stree dhan has not been returned. This issue has been traced by Mr. Ghosh in the order dated 2nd July, 2024.
6. Accordingly, we direct that in the event of arrest, the petitioner Nos. 2, 3, 4, 5 and 6 namely, **Kumar Sundram @ Sundaram, Kumari Shubham, Kumar Sarvottam, Kumar Uttam, Kumar Pritam** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount of

which one 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 shall meet the Investigating Officer once in a week till the submission of the final report.

7. It is further directed that the petitioner nos.2, 3, 4, 5 and 6 shall appear before the learned Chief Judicial Magistrate, Howrah in connection with G.R. Case No.5236 of 2023 within two weeks from date.
8. It is further directed that the petitioner no.1, Premrata Prasad shall cooperate with the investigation.
9. Accordingly, the application for anticipatory bail is disposed of.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)