

07.08.2024

Court No.29

Item No.30

Allowed

ar

CRM (A) 2479 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ghatal Police Station Case No. 190 of 2024 dated 01.06.2024 corresponding to G.R Case No. 528 of 2024 under Sections 498A/323/307/406/34 of the Indian Penal Code read with Sections 3/4 of Dowry Prohibition Act.

And

In Re: Soumalik Majumder

Petitioner

Ms. Devi Priya Mitra

For the Petitioner

Mr. Imran Ali

Ms. Purnima Ghosh

For the State

Mr. Sudarshan Roy

Ms. Sunita Sarkar

For the De-facto Complainant

1. In terms of our earlier order, the petitioner appeared before the I.O and has cooperated with the investigation, as reported by the Investigating Officer. The Investigating Officer has filed a report, wherefrom it appears that during investigation I.O has seized 12 articles under proper videography.
2. Admittedly, the de-facto complainant is the wife of the petitioner. She is adult. The marriage is not in dispute. The petitioner has also filed an application under Section 22 of the Special Marriage Act being MAT Suit No. 595 of 2024. The de-facto complainant alleged that since she did not succumb to demand for dowry, she was tortured. We, however, do not find any medical report in the case diary regarding any physical torture.

3. The allegation of transfer of money to the account of the petitioner has to be assessed in the light of the relationship between the parties. The allegation of misappropriation is required to be assessed in the aforesaid facts and circumstances, as the relationship between the parties are not in dispute.
4. Under such circumstances, we are of the opinion that though custodial interrogation of the petitioner may not be necessary, however, he requires to cooperate with the investigation in accordance with law.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Soumalik Majumder** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, 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 shall meet the Investigating Officer once in a week till the submission of the final report and on further condition that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur, within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
7. 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)

