

Court No. 29
(266041)

CRM (A) 2570 of 2024

30.07.2024

(AD 110)

(S. Banerjee)

(Allowed)

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 in connection with Domkal Police Station Case No. 127 of 2023 dated 28.02.2023 under Sections 498A/304B/306/34 of the Indian Penal Code, read with Section 4 of the Dowry Prohibition Act, pending before the learned Chief Judicial Magistrate, Berhampore, Murshidabad.

And

In the matter of: Minarul Sk.

...petitioner

Mr. Tapodip Gupta

... for the petitioner

Ms. Rituparna De Ghosh
Mr. Dattatreya Dutta

... for the State

1. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated. The petitioner is the husband of the deceased.
2. Learned counsel for the State in opposing the prayer has referred to the statement of the members recorded under Section 161 Cr.P.C. to show that she was tortured by the in-laws and relations of the petitioner both physically and mentally.
3. Considering the materials available in the case diary and considering the fact that admittedly the petitioner had to travel to Kerala frequently for his work and on the date of the incident he was not present and having regard to the fact that charge-sheet has already been filed, we are of the

view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner shall 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, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner shall meet the IO once in a week or as and when required. The petitioner shall not leave the jurisdiction of the concerned police station till the submission of the final report.
5. It is further directed that the present petitioner shall appear before the learned jurisdictional court within two weeks from date and pray for regular bail.
6. It is further directed that the petitioner shall appear on every date before the jurisdictional court on and from the date fixed for appearance of the accused and in default the jurisdictional court will pass appropriate order to secure presence of the petitioners in court including canceling the anticipatory bail granted without further reference to this court.
7. Accordingly, the application for anticipatory bail is allowed.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)