

06.08.2024
Sl No.69
Court No. 29
TN
(partly allowed)

CRM (A) 2689 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Karimpur Police Station Case No. 118 of 2024 dated 21.06.2024 under Sections 498(A)/325/326/406/34 of the Indian Penal Code, 1860 and Sections 3 & 4 of the Dowry Prohibition Act, 1961.

And

In the matter of : **Madhabi Sarkar and others**

.... petitioners

Ms. Minoti Gomes,
Mr. Amanul Islam,
Mr. Sourav Mukherjee

....for the petitioners

Mr. Arani Bhattacharya

... for the State

1. The learned counsel for the petitioners submits that the petitioners are innocent and that the statement in the application under Section 156(3) of the Code of Criminal Procedure has clearly exonerated the father-in-law of any alleged offence.
2. The learned counsel for the State has produced the case diary and opposes the prayer for anticipatory bail.
3. Considering the materials available in the case diary, the statement of the victim recorded under Section 161 of the Code of Criminal Procedure in which there are direct allegation against the husband and mother-in-law of the *de facto* complainant with regard to physical and mental torture, we are not inclined to grant anticipatory bail to the petitioner no.1, namely **Madhabi Sarkar**.

4. However, having regard to the fact that the allegation against the other petitioners are omnibus in nature and no incriminating material is available insofar as the other petitioners are concerned, we are inclined to grant anticipatory bail to the petitioners nos. 2, 3, 4 and 5.
5. Accordingly, we direct that in the event of arrest, the petitioner nos. 2, 3, 4 and 5, namely, **Monoranj Sarkar, Titu Sarkar, Ananda Sarkar and Animesh Mondal** respectively 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 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 BNSS, 2023.
6. The petitioner nos. 2, 4 and 5 shall meet the Investigating Officer once in a week till submission of the final report. The petitioner no.3 shall cooperate with the investigation.
7. It is further directed that the present accused petitioner nos.2, 3, 4 and 5 shall appear before the learned Additional Chief Judicial Magistrate, Tehatta at Nadia within two weeks from date and pray for regular bail.
8. Accordingly, the application for anticipatory bail is disposed of.

9. 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.)