

22.08.2024
Sl No.13
Court No. 29
TN
(Allowed)

CRM (A) 2896 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 Domkal Police Station Case No.52 of 2024 dated 21.01.2024 under Sections 498A/313/506/34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961.

And

In the matter of: **Abdul Haque @ Abdul Haque Mondal and another**

.... petitioners

Mr. Debanshu Ghorai,
Mr. Anisur Rahman

....for the petitioners

Mr. Antarikhya Basu,
Mr. Aritra Bhattacharya

... for the State

1. The petitioner no.1 is the father-in-law and the petitioner no.2 is the mother-in-law of the daughter of the *de facto* complainant. It is submitted that the petitioners are innocent and their son has been recently enlarged on bail.
2. The learned counsel for the State in opposing the prayer has referred to the case diary and more particularly the statement of the *de facto* complainant and the medical reports.
3. Considering the materials available in the case diary and the nature and extent of complicity of the petitioners in the commission of the alleged offence and *prima facie* the statement recorded under Section 164 of the Code of Criminal Procedure does not corroborate the medical documents, we are of the view that the custodial interrogation of the

petitioners is not necessary. Moreover, charge sheet has already been filed.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Abdul Haque @ Abdul Haque Mondal** and **Asma Bibi** respectively shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, 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.
5. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Murshidabad at Berhampore within two weeks from date and pray for regular bail.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)