

09.01.2024
Item No.185
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4283 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gaighata** Police Station Case No. **558** of **2023** dated **31.05.2023** under Sections **498A/307/406** of the Indian Penal Code, 1860 and Sections **3/ 4** of Dowry Prohibition Act, 1961.

And

In the matter of : Tamal Das & anr.

..... petitioners

Ms. Sananda Bhattacharyya
....for the petitioners

Mr. Pravas Bhattacharya,
Mr. M.F.A. Begg
....for the State

The application is taken up for consideration subsequent to order dated January 3, 2024.

On such date, it was noted that husband was yet to participate in the investigation and therefore, the matter was posted today.

Learned advocate appearing for the petitioners submits that, the husband is yet to participate in the investigation despite her requesting the husband to do so.

There subsist an interim order dated October 16, 2023 passed by the coordinate Bench.

By such order, ad interim anticipatory bail was granted to the petitioners.

The Court is informed that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

We considered the materials in the Case Diary.

The police complaint was lodged within five years of marriage.

The materials in the Case Diary suggest requirement of investigation.

Enlarging any of the petitioners on anticipatory bail at this stage will be inimical to the investigation particularly in view of the conduct of the husband.

In such circumstances, we are unable to confirm the interim order dated October 16, 2023 or grant anticipatory bail to any of the petitioners.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4283 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)