

08.01.2024
ML-4
Court No.29
(AD)
(Partly
Allowed)

C.R.M. (A) 4322 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Salboni** Police Station Case No.**178 of 2023** dated **04.08.2023** under Sections **498A/307/354B/34** of the Indian Penal Code, 1860 read with Sections **3/ 4** of the Dowry Prohibition Act[G.R. Case No.2316 of 2023].

And

In the matter of: **Rakash Karmakar @ Rakesh Karmakar & Ors.**
....petitioners.

Ms. Amit Ranjan Pati

... for the petitioners.

Md. Rafikul Islam

Mr. Shashanka Shekhar Saha

...for the State.

Petitioner no.1 surrendered before the jurisdictional Court.

In such circumstances, **C.R.M. (A) 4322 of 2023** is dismissed as infructuous so far as the petitioner no.1, namely, Rakash Karmakar @ Rakesh Karmakar, is concerned.

So far as the other petitioners, that is, petitioner nos.2 and 3 are concerned, we find that there is an injury report of the de facto complainant which does not suggest of grievous hurt.

There is also a statement under Section 164 of the Code of Criminal Procedure of the de facto complainant where she states that, she was assaulted by her husband in a drunken manner. She also claims that she was assaulted by the grand mother-in-law.

The 164 statement does not allude any demand for dowry.

Husband surrendered as noted above.

In such circumstances, we grant anticipatory bail to the petitioner nos.2 and 3.

Petitioner nos.2 is the mother-in-law of the de facto complainant while the petitioner no.3 is the wife of the brother-in-law of the de facto complainant.

In such circumstances, we grant anticipatory bail to the petitioner nos.2 and 3.

Accordingly, we direct that in the event of arrest, the petitioner no.2 and 3 shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner nos.2 and 3 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioner nos.2 and 3 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 the presence of the petitioner nos.2 and 3 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner nos.2 and 3 is allowed.

C.R.M. (A) 4322 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)