

07.10.2024
Court No.29
Item No. 25

Partly Allowed

sg

CRM (A) 3567 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with Haroa Police Station Case No. 336 of 2024 dated 21.07.2024 under Section 498A/325/406/376/511/34 of the Indian Penal Code and Sections 3 and 4 of D.P. Act, pending before the learned Additional Chief Judicial Magistrate, Howrah.

And

In Re: **XXX, Hushand & Ors.**

Petitioners

Md. Prasad Bhattacharyya

For the Petitioners

Mr. Pravas Bhattacharya

Ms. Srilekha Chattopadhyaya

For the State

1. The report filed by the State in Court is taken on record.
2. In spite of service, the defacto complainant is not represented.
3. We have heard the learned Counsel for the parties.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of alleged offence and having regard to the fact that the role ascribed to the petitioner nos.1 and 3 as revealed from the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we are not inclined to grant anticipatory bail to the petitioner nos. 1 and 3.
5. However, considering allegation leveled against the petitioner no.2 and the fact that the petitioner no.2 is a lady, we are of the view that the custodial interrogation of the petitioner no.2 is not necessary.

6. Accordingly, we direct that in the event of arrest, the **petitioner no.2**, being the mother-in-law of the victim, shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner no.2 shall cooperate with the investigation till the submission of the final report. The petitioner no. 2 shall appear before the jurisdictional court within two weeks from date.
7. Accordingly, the prayer for anticipatory bail of the petitioner nos. 1 and 3 is rejected and the prayer for anticipatory bail of the petitioner no.2 is allowed.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)