

14.11.2024
06
SG
[ALLOWED]

C. R. M. (A) 3591 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with English Bazar Women Police Station Case No. 52 of 2024 dated 21.05.2024 under Sections 498A/323/325/376/307/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re: Sk. Mithu @ Sekh Mithun.

... ... Petitioner

Mr. Sourav Chatterjee,
Ms. Namrata Chatterjee.

... ... for the petitioner

Mr. Sukanya Bhattacharjee,
Mr. Rajesh Jana.

... ... for the State

1. Petitioner submits he has been falsely implicated due to matrimonial dispute. Accordingly, he prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. Nobody appears for the victim.
4. We have considered the materials on record. It is alleged petitioner demanded a sum of Rs. 5,00,000/- from the retiral benefits of his father-in-law. Allegations of torture are general and omnibus. Allegation of rape is bereft of material particulars with regard to date and time and appears to be embellished. In view of the aforesaid circumstances, we are of the opinion custodial interrogation of the petitioner may not be necessary but petitioner requires to cooperate with investigation.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., Sk. Mithu @ Sekh Mithun be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition petitioner while on bail shall meet the investigating officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)