

05.11.2024
Sl. No.4
akd
[ALLOWED]

C. R. M. (A) 3683 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 30.09.2024 in connection with Ashoknagar Police Station Case No.501 of 2024 dated 07.09.2024 under Sections 498A/406/354/354B/506/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act. (G.R. Case No.2388 of 2024)

And

In Re: **Md. Saharab Ali**

... .. Petitioner

Mr. Aniruddha Biswas
Ms. Madhusree Dutta

... .. for the petitioner

Mr. Krishanu Ganguly

... .. for the de-facto complainant

Mr. Anand Kesari
Ms. Ankita Paul

... .. for the State

1. It is submitted on behalf of the petitioner that he is the brother-in-law of the victim lady. It is further submitted there was a matrimonial dispute between the victim and her husband. Out of grudge, petitioner has been falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner outraged the modesty of his sister-in-law.
3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail.
4. We have considered the materials on record. Apart from generic allegations of torture it is alleged petitioner had outraged the modesty of the victim in February, 2023. FIR came to be registered in September, 2023. No reason is forthcoming why the victim kept silent with regard to such uncivil conduct for more than six months. Possibility of

embellishment owing to matrimonial discord cannot be ruled out. Under such circumstances, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail.

5. Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Md. Saharab Ali***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 that the petitioner shall appear before the court below 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.)