

20.11.2024
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Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 4004 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baghmundi Police Station Case No. 167 of 2024 dated 04.09.2024 under Sections 498A/307/34) of the Indian Penal Code along with Sections 3/4 of Dowry Prohibition Act read with Sections 85/109/3(5) of the Bharatiya Nyaya Sanhita read with Sections 3/4 of Dowry Prohibition Act.

And

In Re: **Kabil Momin and Anr.**

... ... Petitioners

Mr. Ivam Roy,
Mr. Nirupam Dutta.

... ... for the petitioners

Ms. Sonali Das,
Ms. Pallavi Priyadarshee.

... ... for the State

1. Petitioners are the in-laws of the victim. There is a matrimonial dispute and they have been falsely roped in. They pray for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Victim stated husband and in-laws set her on fire. Apart from burnt apparels, no injury report showing burn injuries is placed on record. Whether the allegation of setting the victim on fire is an embellished one has to be considered in light of the aforesaid circumstance at the appropriate stage of the proceeding.
4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners viz., **(1) Kabil Momin** and **(2) Sabera Bibi** 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. They 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.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)