

09.12.2024
sdas
46
Partly
Allowed

CRM (A) 4167 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Contai Women Police Station Case No. 82 of 2024 dated 17.08.2024 under Sections 498A/307/406/506/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In Re : Sk. Kaset @ Sk. Kased & Ors. petitioners

Mr. Mukteswar Maity
Ms. Nupur Chaudhuri

..... for the petitioners

Ms. Minoti Gomes
Mr. Asif Dewan

..... for the State

Mr. Pravas Bhattacharya
Ms. Busra Khatoon

..... for the de facto complainant

1. Learned Counsel for the petitioners submit they are husband and in-laws of the victim lady. They have been falsely implicated due to a matrimonial dispute. They pray for anticipatory bail.

2. Learned Counsel for the State and *de facto complainant* oppose prayer for anticipatory bail and submit victim was physically assaulted over demands of dowry.

3. We have considered the materials on record including the injury report. Report discloses serious injuries on the victim. Keeping in mind the aforesaid fact and the principal

role played by petitioner no. 6 i.e. husband in the crime, we are not inclined to grant anticipatory bail to him.

4. Accordingly, prayer for anticipatory bail in so far as petitioner no. 6 concerned is rejected.

5. Allegations against petitioners no. 1 to 5 and 7 are general and omnibus. Possibility of their false implication owing to matrimonial dispute cannot be ruled out. Accordingly, we are inclined to grant anticipatory bail to petitioners no 1 to 5 and 7.

6. Accordingly, we direct that in the event of arrest, petitioners no. 1) Sk. Kaset @ Sk. Kased, 2) Jamela Bibi, 3) Sk. Naynur, 4) Sk. Jaher Uddin, 5) Sobana Bibi @ Sabana and 7) Taherun Bibi shall be released on bail upon furnishing a bond of Rs. 10,000/- each, 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 and on condition that they shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

7. The application for anticipatory bail in so far as petitioners no1 to 5 and 7 concerned is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)