

30.01.2024
ML-506
Court No.29
(AD)
(Rejected)

C.R.M. (A) 5224 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Maniktala** Police Station Case No.**259 of 2023** dated **29.09.2023** under Sections **498A/406/506/341/323/354/354C/354D/313/34** of the Indian Penal Code, 1860 read with Sections **3/4** of Dowry Prohibition Act, 1961 (G.R. Case No.2346 of 2023).

And

In the matter of: **(Dr.) Kausik Kundu @ Kaushik Kundu & Ors.**

....petitioners.

Mr. Kalyan Bandyopadhyay, Ld. Sr. Advocate
Mr. Ayan Bhattacharjee
Mr. Shounak Mondal
Mr. Suman Majumder

... for the petitioners.

Mr. Sonali Das
Mr. Subrata Roy

...for the State.

Mr. Probal Kumar Mukherjee, Ld. Sr. Advocate
Mrs. Chama Mukherjee, Ld. Sr. Advocate
Mr. Sandipan Ganguly, Ld. Sr. Advocate
Mr. Partha Pratim Bhattacharyya
Mr. Jayanta Narayan Chatterjee
Mr. Debangana Bhattacharya
Mr. Kaushik Choudhury
Mr. Avik Ghatak
Mr. Tirthankar Dhali
Ms. Sananda Bhattacharya
Ms. Rupsa Sreemani
Ms. Busra Khatun
Ms. Paolaumi Bhowmick
Ms. Jagriti Bhattacharyya
Mr. Inzamam ul Haque

... for the de facto complainant.

Petitioners pray for anticipatory bail.

Learned Senior Advocate appearing for the petitioners submits that the petitioners were falsely implicated and he refers

to the profession of the de facto complainant. He submits that there is a delay in the lodgment of the First Information Report.

State and the de facto complainant are represented.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure as also a statement of a doctor treating her.

Learned Senior Advocate appearing for the de facto complainant submits that the de facto complainant was forced to lodge the police complaint within three months fifteen days of marriage.

We perused the materials in the case diary.

The de facto complainant recorded an elaborate statement under Section 164 of the Code of Criminal Procedure, where she ascribes specific roles to each of the petitioners in the incidents.

There is an allegation of abortion. Abortion allegation stands corroborated by the medical evidence.

There are allegations of demand for dowry and of circulation of obscene photographs.

Materials in the case diary suggest requirement of investigations so far as the role of the petitioners are concerned.

Enlarging any of the petitioners on anticipatory bail on the basis of the materials in the case diary presently available will be inimical to the investigation.

Consequently, we are unable to grant anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is rejected.

C.R.M. (A) 5224 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)