

673 01.02.2024
&
677 Court No.29
(AD) (Allowed)

C.R.M. (A) 5396 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Khatra** P.S. Case No. **111 of 2023** dated **18/10/2023** under Sections **498A/323/406/468/469/471/427/34** of the Indian Penal Code, 1860 and **3** of the D.P. Act. G.R. Case No.848 of 2023.

And

In the matter of: **Kalyan Ganguli & Anr.**

....petitioners.

With

C.R.M. (A) 5400 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Khatra** P.S. Case No. **111 of 2023** dated **18/10/2023** under Sections **498A/323/406/468/469/471/427/34** of the Indian Penal Code, 1860 and **3** of the Dowry Prohibition Act. G.R. Case No.848 of 2023.

And

In the matter of: **Subhajit Ganguly**

....petitioner.

Mr. Souvik Mitter
Mr. Suman Sengupta
Mr. Tapas Maity
Mr. Rahul Singh

...for the petitioners.

Mr. Avishek Sinha

... for the State in CRM(A) 5396 of 2023

Ms. Sreyashee Biswas

...for the State in CRM (A)5400 of 2023.

Two applications for anticipatory bail are taken up for analogous hearing as they emanate out of the same police case.

Learned Advocate appearing for the petitioners submits that the petitioners in CRM (A) 5396 OF 2023 are the in-laws of the de facto complainant while the petitioner in CRM(A) 5400 of 2023 is the husband of the de facto complainant. He submits that, the police complaint was lodged after seven years of marriage. A child was born out of the wedlock.

It is contended that the petitioner no.1 (Kalyan Ganguli) in

CRM (A) 5396 of 2023 gifted an immovable property in favour of the new born. Father of the de facto complainant mortgaged the title deeds of such property to obtain loan from bank and carry on business. Father of the de facto complainant thereafter wanted further property to be mortgaged for other businesses. On refusal of the petitioners to abide by such request, the present police complaint was lodged.

State is represented.

We perused the materials in the case diary.

The contentions of the petitioners cannot be brushed aside at this stage given the documents sought to be relied upon by the petitioners.

Materials in the case diary also do not make out a compelling case for custodial interrogation of the petitioners.

In such circumstances, we grant anticipatory bail to the petitioners in both the applications.

Accordingly, we direct that in the event of arrest, the petitioners in both the applications shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner no.1 (Kalyan Ganguli) in CRM (A) 5396 of 2023 and the petitioner (Subhajit Ganguly) in CRM (A) 5400 of 2023 will report before the Investigating Officer once a month till the conclusion of the investigation and petitioner no.2 (Sadhana Ganguli) in CRM (A) 5396 of 2023 will cooperate with the

investigation till the conclusion of the investigation and on condition that the petitioners in both the applications shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default, the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in both the applications in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners in both the applications is allowed.

C.R.M. (A) 5396 of 2023 and **C.R.M. (A) 5400 of 2023** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)