

18.03.2025
Item No.54
Ct. No. 26
CHC
Allowed

C.R.M.(A) 867 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Criminal Procedure Code/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Salanpur** Police Station Case No. **195** of **2024** dated **3.12.2024** under Sections **498A/323/325/313/506/34** of the Indian Penal Code and Sections **3/ 4** of Dowry Prohibition Act, pending before the Learned Chief Judicial Magistrate, Asansol, Paschim Bardhaman.

And

In the matter of : Aruna Paul & Anr.

..... petitioners

Mr. Apurba Kumar Datta, Advocate
....for the petitioners

Ms. Sukanya Bhattacharya, Advocate
Mr. Sujoy Sarkar, Advocate
....for the State

1. Husband and the mother-in-law of the de facto complainant pray for anticipatory bail.
2. None appears for the de facto complainant despite service.
3. De facto complainant recorded her statement under Section 183 of BNSS where she speaks of dowry demand as well as assault and torture on her.
4. There is no injury report in the Case Diary at the present corroborating the claim of assault on the de facto complainant.

5. Neighbours statement do not corroborate the claim of the de facto complainant as to torture. Neighbours claim that there is matrimonial discord.
6. Claim for abortion is also uncorroborated by medical evidence or statements of neighbours.
7. Demand for dowry again, remains uncorroborated.
8. In such circumstances, we grant anticipatory bail to the petitioners.
9. Accordingly, we direct that in the event of arrest the petitioners will 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS and petitioner no.1, namely, Aruna Paul will cooperate with the Investigating Officer till the conclusion of the investigation and petitioner no.2, namely, Atanu Paul will report before the Investigating Officer once in a month till the conclusion of investigation and on further condition that the petitioners 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 court including

cancelling the anticipatory bail granted without further reference to this Court.

10. This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Smita Das De, J.)