

C.R.M. 62 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **1. Suman Sankar Bhunia**
2. Sukumar Bhunia
3. Arati Bhunia

... **petitioners**

Mr. Anjan Bhattacharya
Mr. Bijay Bikram Das

...For the petitioners

Mr. Kallol Acharya
Mr. Sagnik Sankar Sikdar

.....For the State

The petitioners (husband and parents-in-law of the victim) have presented this application on 1st April, 2019 seeking a direction that in the event of their arrest in course of investigation of Siliguri Women Police Station F.I.R. No. 4 of 2019 dated 9th January, 2019 under Sections 498A/506 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, they may be released on bail.

We have heard learned advocates for the parties and perused the materials in the case diary.

It appears from the materials on record that the petitioner no. 1 and the victim, due to disputes and differences having arisen by and between them, have drifted apart after almost 7 years of marriage. They have a son aged 6 years and proceedings are pending before the competent civil court in respect of

custody of such son. It also appears that the petitioner no. 1 obtained an order dated 21st February, 2019 from a learned Judge of this court transferring proceedings initiated by the victim under the Guardians and Wards Act from the court of the learned District Judge, Darjeeling to the court of the learned District Judge, 24-Parganas (North) at Barasat. The F.I.R. has been lodged after the petitioner no. 1 sought for transfer of the aforesaid proceedings. The possibility of the victim having lodged the F.I.R. as a counter-blast, cannot be ruled out.

In our considered opinion, custodial interrogation of the petitioners may not be necessary and we feel that this is a fit and proper case for making a direction, as prayed for.

C.R.M. 62 of 2019 stands allowed with the direction that in the event of the petitioners' arrest, they shall be released on bail upon furnishing 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 in sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Shivakant Prasad, J.)

(Dipankar Datta, J.)