

28.06.2019.
Item No. 12
(Allowed)
ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 308 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.04.2019 in connection with Dinhata Police Station Case No. 73 of 2017 dated 22.01.2017 (G. R. Case No. 79/2017) for commission of offence punishable under Sections 498(A)/304B of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act;

And

In the matter of : Saddam Hossain.

... petitioner.

Mr. Dhiman Roy.

...For the petitioner.

Mr. Aditi Shankar Chakraborty, ld. APP,
Mr. Ujjwal Luksom.

...For the State.

Heard the learned Advocates appearing on behalf of the parties.

Apprehending arrest in the connection with Dinhata Police Station Case No. 73 of 2017 dated 22.01.2017 (G. R. Case No. 79/2017) for commission of offence punishable under Sections 498(A)/304B of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, the petitioner has filed the instant application for anticipatory bail.

Undisputedly, the petitioner is the husband of the victim lady and the aforesaid case has been launched against five persons including the petitioner, who happened to be the father, mother, brother and sister of the petitioner. The application filed by the other co-accused for anticipatory bail

being CRM No. 2802 of 2017 is already allowed by this Court on 18th April 2017.

We have perused the complaint leading to the First Information Report as well as the statement recorded under Section 161 of the Code of Criminal Procedure at pages 35 and 36 of the case diary and we find that the petitioner stands on the same footing that of the other co-accused.

We are, therefore, of the opinion that the custodial interrogation of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of Rs 5,000/-, one of whom must be local, 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.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)