

27.06.2019.
Item No. 26
(Allowed)
ab

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 310 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.04.2019 in connection with Dinhata Police Station Case No. 1078 of 2016 dated 07.12.2016 for commission of offence punishable under Sections 498(A)/306/379 of the Indian Penal Code;

And

In the matter of : Sukumar Barman and another.

... petitioners.

Mr. Sudip Guha.

...For the petitioners.

Mr. Ujjwal Luksom,
Ms. Namrata Das.

...For the State.

Heard the learned Advocates appearing on behalf of the parties.

Apprehending arrest in the connection with Dinhata Police Station Case No. 1078 of 2016 dated 07.12.2016 for commission of offence punishable under Sections 498(A)/306/379 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

It is not in dispute that the victim girl committing suicide within three days from the date of her marriage.

According to the petitioners, the victim girl was married to the younger brother of the petitioner no. 1 and, therefore, their involvement to the alleged offence cannot be there within such brief period of time. It is, thus, submitted that they have

been falsely implicated in the instant case and, therefore, should not be arrested by the Investigating Officer.

We have perused the First Information Report as well as other materials from the record and the extent of complicity of the petitioners to the alleged offence, we feel that there is no necessity of any custodial interrogation of the petitioners. Furthermore, the husband of the victim girl is enlarged on bail. Even the charge-sheet has not been submitted as yet.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of Rs 5,000/- each, 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.)