

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

26.08.2019.
29.
as
(Allowed).

C.R.M. 672 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.08.2019 in connection with Samuktala P. S. Case No.164 of 2019 dated 03.07.2019 under Sections 498A/306 of the Indian Penal Code.

In the matter of : Nanda Dey Sarkar & Ors.
... Petitioners.

Mr. Arijit Ghosh.
...for the Petitioners.

Mr. Nilay Chakraborty,
Mr. Sagnik Sankar Sikdar.
.....for the State.

Heard the learned Advocates appearing for the parties.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission that the incident occurred 10 years after marriage and as the statutory presumption under Section 113A of the Evidence Act is not attracted in the facts of the case and the victim housewife had not left behind any suicide note implicating the petitioners, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners Nanda Dey Sarkar, Beauti Dey Sarkar, Biplab Dey Sarkar @ Taira Dey Sarkar, Uttam Dey Sarkakr and Pramodh Dey Sarkar shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear before the trial court and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)