

13.11.2019
SI No.53
KB/GSD

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM 990 of 2019

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 7th November, 2019 in connection with Kumargram Police Station Case No. 147 of 2019 dated 19.9.2019 under Sections 498A/307/34 of the Indian Penal Code, 1860 read with Section 03 and 04 of the Dowry Prohibition Act, 1961.

And

In Re: Reba Das & Ors.

... ... Petitioners

Mr. Aniruddha Biswas

... for the petitioners.

Mr. Ujjwal Luksom

Ms. Namrata Das

... ... for the State.

A certified copy of the order granting bail to the principal accused/husband filed in Court is taken on record.

Learned Counsel appearing for the petitioners submits as follows. The allegations contained in the First Information Report are absolutely commonplace, except for a specific allegation of assault on a particular date. Actually, the victim voluntarily left the matrimonial home. After this a notice for restitution of conjugal rights was sent to her, which was received by her on 19.9.2019. Only after this the defacto-complainant lodged the present First Information Report.

Learned Counsel appearing for the State submits that a prima facie case is made out against the petitioners/in-laws. He relies on a medical document regarding the injuries suffered by the victim, which

indicates that the victim stated that her husband had beaten her over her head which resulted in the injuries.

Considering the materials available on record and in view of the purported role ascribed to the present petitioners in committing the alleged crime, we are inclined to grant anticipatory bail to the petitioners. However, considering the nature of allegations, we think that the movement of the petitioners is required to be restricted.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties, one of whom must be local, to the satisfaction of the Arresting Officer and also subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 2 and 4 shall meet the Investigating Officer once a week till the submission of the report in final form and on further condition that the petitioners shall not enter into the jurisdiction of Kumargram Police Station until further orders except for meeting the Investigating Officer or for attending the Court and on further condition that the petitioners shall appear before the Court below and pray for regular bail within a fortnight from date.

The application for anticipatory bail being CRM 990 of 2019 is, thus, disposed of.

Certified website copies of this order if applied for, be immediately made available to the parties, subject to compliance with all requisite formalities.

(Jay Sengupta, J.)

(Subrata Talukdar, J.)