

22.01.20

Sl. No.22

ns

Ct. No.1

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 75 of 2020

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 15.01.2020 in connection with Sitalkuchi Police Station Case No.284 of 2019 dated 25.12.2019 under Sections 498A/307/302/34 of the Indian Penal Code.

And

In Re: ***Jahanur Alam @ Miya & anr.***

... .. Applicants

Mr. Debajit Kundu for applicants

Mr. Arun Kumar Sarkar,
Mr. Saikat Chatterjee for State.

Mr. A. Banerjee,
Mr. Tapabrata Ghosh ... for defacto complainant.

Mr. Kundu, learned advocate appears on behalf of applicants seeking anticipatory bail. He submits, this was an incident of family members sitting around a fire. It was an accident. Anticipatory bail to applicants, being father-in-law and brother-in-law of the deceased, should be granted. Apprehension of arrest is in connection with Sitalkuchi Police Station Case no.284 of 2019 dated 25.12.2019 under sections 498A/307/302/34 of the Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act, 1961. Mr. Sarkar, learned advocate appears on behalf of State and produces case diary drawing attention to page 20, which is statement of victim made before the Investigating Officer. We note submission made by Mr. Sarkar that after making the

statement, victim was alive for two days but no dying declaration was duly obtained from her.

The application is rejected.

(Arindam Sinha, J.)

(Biswajit Basu, J.)