

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

20.09.2021
Court No.01
Item No.48
Avijit Mitra

**CRM 13 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re: Tapas Kumar Roy & anr.

...Petitioners

Mr. Sudip Guha

...For the Petitioners

Mr. Arun Kumar Sarkar,

Mr. Namrata Das

...For the State

Apprehending arrest in connection with Dinhata Women Police Station Case No.99 of 2020 dated 25.10.2020 under sections 498A/306 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioners submits that during pendency of the present application, the petitioner no.1 was arrested and he was granted regular bail by the learned Court below. In view thereof, the present application so far as the petitioner no.1 is concerned is dismissed as infructuous.

He further submits that the petitioner no.2 is an aged lady of 60 years. She has been falsely implicated. No overt act has been attributed to her and in the said conspectus custodial interrogation of the petitioner no.2 is not necessary.

Mr. Sarkar, learned advocate appearing for the State opposes the prayer of the petitioner no.2 and draws our attention to the contents of the complaint and the statement of the witnesses as recorded under Section 161 of the Code of Criminal Procedure.

The petitioner no.2 is 60 years of age and *prima facie* it is not likely that she would interfere with the investigation or delay the trial by abscondence. Considering the nature of accusations and the extent of complicity of the petitioner no.2 in the alleged offence, we are of the opinion that her custodial interrogation is not warranted in the facts and circumstances of the present case and in view thereof, her prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner no.2, namely, **Bhabani Roy** shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- with two registered sureties of Rs.5000/- each, one of whom must be local, 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.

Accordingly, the application being C.R.M. No.13 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)