

26.08.2021
Court No.28
Item No. J-9
(allowed)

Saswata
(Assistant
Registrar)(Court)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION
(Via Video Conference)**

CRM 128 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Falakata Police Station Case No. 348 of 2020 dated 25.10.2020 under Sections 498A/304B of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act;

And

In the matter of : **Lalit Barman & Ors.**

...Petitioners

Mr. Hillol Saha Podder

...For the Petitioners

Mr. Aditi Shankar Chakraborty, APP

Mr. Tapan Bhattacharjee

...For the State.

The Advocate on Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Falakata Police Station Case No. 348 of 2020 under Sections 498A/304B of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The present petitioners are the in-laws of the deceased lady and seek for an anticipatory bail apprehending arrest in connection with the aforementioned case.

In course of the hearing, we are informed that the husband of the victim lady had already been enlarged on bail by the Sessions Judge.

Both the learned Advocates for the parties echoed that the allegation is omnibus in nature and attributable to all the co-accused in common and, therefore, cannot be segregated or dissected one from another.

Since the husband of the victim lady had already been granted bail, we do not find any justification in keeping the petitioners in

custody, more particularly, when the charge sheet had already been filed.

The prayer for anticipatory bail is thus **allowed**.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Lalit Barman, Basanti Barman, Pankaj Barman, Jyostna Barman** shall be released on bail upon furnishing a bond of ₹10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station and on condition that the petitioners shall attend the Trial Court on every day of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioners fail to do so without any justifiable cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

The application for anticipatory bail being CRM 128 of 2021 is, thus, ***disposed of***.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)