

23.09.2021
Court No.01
Item No. 03
Allowed
Krishnendu

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

**C.R.M. 222 of 2021
With
C.R.A.N. 1 of 2021
(Via Video Conference)**

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

And

In Re : **Ram Krishna Sarkar**

Petitioner

Mr. Hillol Saha Podder

For the Petitioner

Mr. Sourav Ganguly

Mr. Aniruddha Biswas

For the State

Mr. Debajit Kundu

For the *De facto* complainant

Apprehending arrest in connection with Jalpaiguri Woman Police
Station Case No. 07 of 2021 dated 19.01.2021 under sections 498A/307
of the Indian Penal Code, 1860 and sections 3 and 4 of the Dowry
Prohibition Act, 1961, the petitioner has filed the present application.

Mr. Saha Podder, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The other co-accused persons have already been granted anticipatory bail. The complaint was lodged about four days after the alleged incident. Upon completion of investigation, charge sheet has also been submitted. In view thereof, custodial interrogation of the petitioner is not necessary.

Mr. Ganguly, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to several documents in the case diary, including the statement of the victim lady, as recorded under section 164 of the Code of Criminal Procedure.

Mr. Kundu, learned advocate, enters appearance on behalf of the *de facto* complainant.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

From the seizure list, it appears that when the *de facto* complainant was in her parental house, i.e. on 20.01.2020, she appeared before the police authorities and handed over a cotton nighty smelling of kerosene.

Considering the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner namely, **Ram Krishna Sarkar** , shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 .

The application for anticipatory bail, being C.R.M. No. 222 of 2021, and the connected application, being C.R.A.N. 1 of 2021, are, thus, 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)

