

23.02.2021
Court No.1
SL No. 16
s.biswas

**THE CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Through Video Conference)**

C.R.M. 232 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rajganj** P.S. Case No. **200 of 2019** dated 02.07.2019 under Sections **498A/304B** of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

And

In the matter of: **Tajmira Begum @ Mira Parvin**

....Petitioner

Mr. Jaydeep Kanta Bhowmik

...for the Petitioner

Mr. Aditi Shankar Chakraborty

Mr. Aniruddha Biswas

...for the State

This is an application under Section 438 of the Code of Criminal Procedure filed on behalf of the petitioner who happens to be sister in law of the deceased and is a student under graduation.

It is submitted that she is no way involved in the commission of alleged offence committed under Sections 498A/304B of the IPC read with Sections 3/4 of the D.P. Act. The offence under Section 304B of the IPC may be suicidal and homicidal in the nature, which fact can be ascertained at the stage of trial.

The petitioner is apprehending arrest in connection with Rajganj Police Station Case No. 200 of 2019 dated 02.07.2019

corresponding to G.R. Case No.2440 of 2019 under Sections 498A/304B of the IPC pending before the learned Chief Judicial Magistrate, Jalpaiguri.

It is seen from the material on record of the C.D. and the charge-sheet submitted that there is omnibus allegation against the accused persons including the present petitioner.

Our attention is invited to an order dated 20.10.2020 in CRM 8110 of 2020 whereby the co-accused persons were granted pre-arrest bail and accordingly, parity has been sought for on behalf of the petitioner.

Having regard to the fact that charge-sheet has already been submitted, there is no requirement of custodial interrogation of the present petitioner and further considering the aforesaid order passed by a co-ordinate Bench of this Hon'ble Court, we consider the prayer for anticipatory bail in favour of the petitioner on parity with those who have been admitted on anticipatory bail vide order dated 20.10.2020 passed in CRM 8110 of 2020.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.5000/- with two sureties of like amount 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.

Thus, CRM 232 of 2021 is disposed of.

(Hiranmay Bhattacharyya, J.)

(Shivakant Prasad, J.)