

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

**CRM 319 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Dinhata Women Police Station Case No.106 of 2020 dated 05.12.2020 under Sections 498A/306/34 of the Indian Penal Code.

And

In the matter of: Sukumar Modak

.... Petitioner

Mr. Sudip Guha

... For the Petitioner

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee.

... For the State

The petitioner claims that the petitioner has been incriminated for offences against the victim, his wife, even after seventeen years of marriage on allegation of threats for dowry, which is not credible on the face of it.

However, learned counsel for the State opposes the prayer for anticipatory bail.

The materials on record indicate that the statements recorded under Section 161 of the Code of Criminal Procedure reveal sufficient prima facie material regarding alleged torture, both physically and mentally, by the husband-petitioner against the victim. As such, there is no scope for giving the benefit of anticipatory bail to the petitioner. The prayer for anticipatory bail is rejected.

Accordingly, CRM 319 of 2021 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)