

29.07.2021

Court No.28
Item No.20
(ALLOWED)

Saswata
&
ab

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANESOUS JURISDICTION**

(Via Video Conference)

CRM 625 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Kotowali Police Station Case No. 151 of 2021 dated 23.03.2021 under Sections 498A/313/302/34 of the Indian Penal Code (G.R. Case no. 1365 of 2021).;

And

In the matter of : **Jyoti Das & Ors.**

...Petitioners

Mr. Joydeep Kanta Bhowmick

...For the Petitioners

**Mr. Ujjal Luksom
Mr. Biswarup Roy**

...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 Kotowali Police Station Case No. 151 of 2021 under Sections 498A/313/302/34 of the Indian Penal Code (G.R. Case no. 1365 of 2021), the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioners are matrimonial relations of the deceased. They are apprehending arrest in a case under Sections 498A/306/34 of the Indian Penal code. It will not be out of place to mention that initially the case was registered under Sections 498A/313/302/34 of the Indian Penal Code and after investigation, the police submitted charge-sheet under Sections 498A/306/34 of the Indian Penal Code. It is worthwhile to note that the husband of the deceased has already been enlarged on bail and therefore, custodial interrogation of the petitioners is not necessary.

In view of such circumstances, we are inclined to grant the benefit of Section 438 of the Code of Criminal Procedure to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of ₹10,000/- each with two sureties of like amount 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.

The application for anticipatory bail being CRM 625 of 2021 is, thus, ***disposed of***.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)