

11.08.2021
Item no.4.
Court No.32.
AB
(Partly Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri
(Via Video Conference)**

CRM No. 738 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 09.07.2021 in connection with Dhupguri Police Station Case No.474 of 2020 Dated 13.12.2020 under Sections 498A/306/34 of the Indian Penal Code

And

In the matter of : Laksman Sarkar @ Lakhan Sarkar & Anr.

.....Petitioners.

Ms. Madhushri Dutta,
Mr. D. Mukhopadhyayfor the Petitioners.

Mr. Nilay Chakraborty,
Ms. Namrata Dasfor the State.

The allegation against the petitioners is under Sections 498A/306/34 of the Penal Code.

It is submitted on behalf of the petitioners that they are the brother-in-law of the victim and his wife and have been falsely implicated. The co-accused person standing on the same footing has been granted anticipatory bail.

The State refers to the material in the case diary wherefrom it prima facie appears that the main thrust of the allegation is against the petitioner no.1, who is the brother-in-law of the victim. Investigation is in progress.

We have considered the material in the case diary. The petitioner no.1 is the brother-in-law of the victim and allegedly he attempted to molest the victim lady on several occasions. Prima facie, there is sufficient incriminating material in the case diary against the petitioner no.1.

Hence, we are not inclined to grant anticipatory bail to the petitioner no.1.

His prayer for anticipatory bail stands rejected.

However, considering the complicity of the petitioner no.2 in the alleged crime, we are inclined to hold that her immediate custodial interrogation is not necessary and she may be granted anticipatory bail.

Accordingly, in the event of arrest, the petitioner no.2 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner no.2 fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.738 of 2021 is, thus, partly allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)