

10.08.2021

Court No.28
Item No.JL-5
(ALLOWED)

Saswata

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

(Via Video Conference)

CRM 729 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Banarhat Police Station Case No. 187 of 2021 dated 01.06.2021 under Sections 498A/313/314/34 of the Indian Penal Code;

And

In the matter of : **Arif Hossain**

...Petitioner

Ms. Madhushri Dutta

... For the petitioner

Mr. Kallol Acharjee

Mr. Tapan Bhattacharjee

...For the State.

The Advocate-on-record of the petitioner 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 Banarhat Police Station Case No. 187 of 2021 under Sections 498A/313/314/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The instant application has been filed by the husband of the victim lady who died after committing suicide. It appears from the record that the mother-in-law and the father-in-law had already been extended the benefit of anticipatory bail. It is not disputed by the learned Advocate for the State that the allegation is omnibus in nature and attributable to the conduct of all the accused. There is no specific role attributable to the conduct of the petitioner.

In view of the above, since the other co accused had already been extended the benefit of anticipatory bail, we do not find any justification in refusing such benefit to the petitioner.

The prayer for anticipatory bail of the petitioner is, thus, ***allowed.***

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of ` 10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and he shall meet the Investigating Officer once in a week and shall cooperate with the investigation process 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 729 of 2021 is, thus, ***disposed of.***

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)