

13.
13-08-2021
(ct. no.32)
KOLE
Allowed

In the Circuit Bench At Jalpaiguri
(Via Video Conference)
CRM 773 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jalpaiguri Women Police Station** Case No. **39 of 2021** dated **07.04.2021** under Sections **498A/307** of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

- A n d -

In the matter of : Smt. Pinki Shil

.... Petitioner.

Mr. Aniruddha Biswas,

... For the Petitioner.

Mr. Tapan Bhattacharyya,
Mr. Ujjal Luksom,

... For the State.

The petitioner is the married sister-in-law of the victim. The allegation is under Sections 498A/307 of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act, 1961.

We are told that all the other relatives of the husband, who are accused in this case, have been granted anticipatory bail excepting that the father-in-law was apprehended and then was enlarged on regular bail.

Learned Advocate for the State submits that the injury suffered by the victim is minor. Further, there is only one statement recorded under Section 161 of the Code by the victim. The statement definitely does not inculcate the petitioner.

We have seen the material in the case diary. The petitioner at all material times resided and still resides separately from the victim. On an overall assessment of the material on record, although investigation is in progress and charge sheet is yet to be filed, we are of the opinion that immediate custodial interrogation of the petitioner may not be necessary so long as she cooperates with the Investigation Officer.

Accordingly, in the event of arrest, the petitioner 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 the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 773 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)