

13.09.2021
Item no.40.
Court No.32.
AB
(Allowed)

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

CRM No. 840 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 10.08.2021 in connection with Dinhata Women Police Station Case No.22 of 2021 Dated 5.4.2021 under Sections 498A/302/34 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act

And

In the matter of : Sadek Ali Miah @ Chhadak Ali Miah & Ors.

.....Petitioners.

Mr. Anindya Ghosh,

Mr. Sudip Guhafor the Petitioners.

Mr. A. S. Chakraborty, ld. APP,

Mr. Tapan Bhattacharyafor the State.

The petitioner nos.1 and 2 are the parents-in-law, the petitioner no.3 is the grandmother-in-law and the petitioner no.4 is a cousin brother-in-law of the victim lady, who is alleged to have committed suicide by hanging herself. This happened after about six years of marriage.

The complaint case is that the accused persons used to demand more dowry from the victim and used to torture her regularly.

The petitioners say that they have no role to play in the death of the victim. The husband, who is the prime accused, is in custody. Charge sheet has been submitted.

We have seen the material in the case diary including the statements of neighbours recorded under Section 161 of the Code of Criminal Procedure. The allegations are omnibus in nature and directed generally against all the accused persons.

On an overall assessment of the material on record and the possible extent of complicity of the petitioners in the alleged offence and keeping in view that charge sheet has already been filed, we are of the view that immediate custodial interrogation of the petitioners is not necessary.

Accordingly, in the event of arrest, the petitioners, namely Sadek Ali Miah @ Chhadak Ali Miah, Asma Bibi @ Golejan Bibi, Japiran Bibi @ Japiran Bewa and Sahajahan Ali @ Miah shall be released on bail upon furnishing a bond of Rs.10,000/-each, 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 petitioners fail 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.840 of 2021 is, thus, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)