

**CIRCUIT BENCH OF CALCUTTA HIGH COURT  
AT JALPAIGURI**

24.09.2021  
Court No.01  
Item No.31  
Avijit Mitra

**CRM 911 of 2021**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

**In Re: Tikendra Kumar Das & ors.**

...Petitioners

Mrs. Madhusri Dutta,  
Mr. Debasish Mukherjee

...For the Petitioners

Mr.Ujjwal Luksom,  
Ms. Namrata Das

...For the State

Apprehending arrest in connection with Maynaguri Police Station Case No.165 of 2021 dated 31.03.2021 under sections 498A/304 of the Indian Penal Code, the present application has been preferred.

Ms. Dutta, learned advocate appearing for the petitioners submits that the prime accused being the husband of the victim lady has already been enlarged on bail by the learned Court below. No overt act has been attributed to the petitioners and they have been falsely implicated. There is also no likelihood that the petitioners would flee from justice. The petitioner nos. 3 and 4 used to stay in a separate mess. In the said conspectus, custodial interrogation of the petitioners is not warranted.

Ms. Das, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the *post-mortem* report and the statements of the witnesses as recorded under Section 161 of the Code. She submits that the victim lady at the

time of death was six months pregnant and the death occurred within a year of the marriage. There are sufficient incriminating materials against the petitioners and investigation is yet to be completed.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the statement of the witnesses as recorded under Section 161 of the Code, the *post-mortem* report and the extent of complicity of the petitioners in the alleged offence, we are not inclined to exercise any discretion in their favour and as such, their prayer is refused.

Accordingly, the application being C.R.M. No.911 of 2021 is dismissed.

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

**(Abhijit Gangopadhyay, J.)      (Tapabrata Chakraborty, J.)**