

30.11.2021

Item No.41

Ct.No.1

dc./gsd

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

C.R.M. 1075 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Dinhata Women PS Case No. 43 of 2021 dated 22.6.2021 under Sections 498(A)/302/34 of the Indian Penal Code (GR No. 357 of 2021).

And

In the matter of : **Sanjib Das & Anr.**

... Petitioners.

Mr. Swarup Das
Mr. Subhasish Misra

... for the petitioners

Mr. Kollal Acharjee
Mr. Tapan Bhattacharjee

... For the State.

Learned Advocate for the petitioners submits that the marriage between the victim and the petitioner no.1 was solemnized five years prior to the date of the incident. Learned Advocate further submits that both the petitioners who happen to be the husband and brother-in-law are innocent of charges and have been falsely implicated in the instant case.

The Learned Advocate for the State produces the case diary and draws the attention of this Court to the relevant statements. Learned Advocate further points out that prior to

the date of the incident, there was a quarrel between the petitioner no.1(husband) and the victim/deceased.

Having regard to the materials on record, we are of the view that so far as the petitioner no.1 namely **Sanjib Das** is concerned, his prayer for anticipatory bail is **rejected**.

So far as the petitioner no.2, namely **Prosenjit Das @ Rinku Das** is concerned, having regard to the materials appearing in the case diary, we are of the view that he is entitled to the privilege of anticipatory bail.

Accordingly, we **allow** the application for anticipatory bail in respect of **petitioner No.2** and direct that in the event of arrest, the petitioner No.2, namely **Prosenjit Das @ Rinku Das** shall be released on bail upon furnishing a bond of Rs.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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner no.2 shall meet with the Investigating Officer of the case once a week until further orders.

The application for anticipatory bail, being CRM 1075 of 2021 is disposed of.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)