

24.12.2021
SL No.14
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1283 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 Maynaguri Police Station Case No.05 of 2021 dated 04/01/2021 under Sections 498A/306/34 of the Indian Penal Code and read with Section 3/4 of the Dowry Prohibition Act.

And

In the matter of : **Hemanta Roy @ Sajal Roy & Ors.**

- Petitioners.

Mr. Satyaki Basu,
Mr. Sudip Guha,
Mr. Swarup Kumar Mandal,
... For the Petitioners.

Mr. Ujjwal Luksom,
Ms. Namrata Das,
... For the State.

The petitioner No.1 is the brother-in-law, petitioner Nos.2 and 3 are the father-in-law and mother-in-law of the deceased victim.

The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated. It is further submitted that the husband of the victim was arrested in the commission of the aforesaid case, however, he was granted bail on 9th April, 2021.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Having considered the materials available on record and the nature and extent of involvement of the petitioners in the commission of alleged offence and having regard to the fact that the charge-sheet

has already been filed, we are of view that custodial interrogation of the petitioners is not necessary. Hence, we are inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and shall appear before the learned Trial Court on each and every date of hearing.

The application for anticipatory bail, being CRM No.1283 of 2021 is, thus, disposed of.

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

(Biswajit Basu, J.)

(Soumen Sen, J.)