

07.01.2022
Item no.14.
Court No.1.
S. De
(Allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM (A) No. 5 of 2022

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Pradhan Nagar Police Station Case No.994 of 2021 Dated 12.12.2021 under Sections 498A/307 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act.

And

In the matter of: Bimal Devi @ Vimal Devi & Others.

.....Petitioners.

Mr. Debjit Kundufor the Petitioners.

Mr. Hillol Saha Podderfor the defacto complainant.

Mr. Nilay Chakraborty, Ld. APP
Mr. Sourav Ganguly,for the State.

The allegation is under Sections 498A/307 of the Indian Penal Code read with Sections 3/4 of the Dowry Prohibition Act.

The petitioner nos. 1 and 2 are the parents-in-law, the petitioner no.3 is the brother-in-law and the petitioner no.4 is the wife of the brother-in-law of the defacto complainant. They say that they have absolutely no role to play in the alleged offence. They live in Muzaffarpur. The defacto complainant ordinarily resides at Siliguri. The main allegation is against the husband of the defacto complainant. He is in custody. The petitioner nos. 1 and 2 are aged persons suffering from various

ailments. They are prepared to co-operate with the Investigating Officer fully.

We have seen the material in the case diary including the statement of the defacto complainant/victim recorded under Section 164 of the Code of Criminal Procedure. The thrust of the allegation is against the victim's husband. The Injury Report does not reveal any significant or serious injury. We also take note of the fact that the husband of the victim had filed a complaint against the victim and her family members two days prior to the present complaint being filed. Prima facie, it appears that the possibility of this complaint being filed by way of a counter-blast cannot be ruled out.

The State vehemently opposes the prayer for anticipatory bail.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate fully with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely Bimal Devi @ Vimal Devi, Badri Sah @ Badri Prasad Gupta, Mithilesh Kumar and Sakshi Kumari @ Gupta 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 and on further condition that the petitioner nos. 2 and 3 shall report to the Investigating Officer once in a fortnight until completion of investigation.

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. (A) 5 of 2022 is, thus, allowed.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)