

06.01.2022
Item no.17.
Court No.01.
S.De
(Rejected)

Circuit Bench of Calcutta High Court
at Jalpaiguri

(Via Video Conference)

CRM (A) No. 9 of 2022

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No.430 of 2021 Dated 23.11.2021 under Sections 498A/304B of the Indian Penal Code and Section 9 of Prohibition of Child Marriage Act, 2006.

And

**In the matter of: Jhuntu Barman @ Jathu Barman &
Another.**

.....Petitioners.

Mr. Hillol Saha Podderfor the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Biswarup Royfor the State.

The petitioners are in-laws of the victim lady who apparently committed suicide within five months of marriage. The charges are under Sections 498A/304B of the Indian Penal Code read with Section 9 of the Prohibition of Child Marriage Act, 2006.

The petitioners say that they have no role to play in the death of the victim. The husband of the victim is in custody. He was initially treated at the Beharampore Mental Hospital and then once he was pronounced to be fit, he was sent back to jail.

We have seen the material in the case diary including the statements of neighbours recorded under Section 161 of the

Code of Criminal Procedure. Death has occurred. Prima facie, there are materials in the case diary which indicate that the petitioners may have a role to play. This is a case which, in our view, may require custodial interrogation. Hence, we are not inclined to allow the petitioners' prayer for anticipatory bail.

The application for anticipatory bail is rejected.

CRM (A) No.9 of 2022 is dismissed accordingly.

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.)