

10.01.2022
Item no.26.
Court No.01.
S.De
(Rejected)

Circuit Bench of Calcutta High Court
at Jalpaiguri

(Via Video Conference)

CRM (A) No. 32 of 2022

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Samuktala Police Station Case No.53 of 2021 Dated 17.03.2021 under Sections 498A/304B of the Indian Penal Code.

And

In the matter of: Narayan Das & Another.

.....Petitioners.

Mr. Arijit Ghoshfor the Petitioners.

Mr. Arun Kumar Sarkar,
Mr. Sagnik Sankar Sikdarfor the State.

The petitioners are the parents in-law of the victim lady.

The allegation is that the petitioners along with the victim's husband used to torture the victim regularly, physically and mentally, and used to pressurize her to bring in more dowry. This prompted the victim to kill herself by consuming poison.

The petitioners say that the prime accused, the husband of the victim, has been granted bail by the learned Court below. They are in no manner involved with the alleged incident. They pray for anticipatory bail.

The State strenuously opposes the prayer for anticipatory bail of the petitioners.

We have seen the material in the case diary including the statements of independent witnesses including neighbours, recorded under Section 161 of the Code of Criminal Procedure. All of them specifically implicate these petitioners along with the victim's husband as the persons who meted out serious torture to the victim. The victim committed suicide within two years and three months of marriage.

On an overall assessment of the facts and circumstances of the case and the possible extent of complicity of the petitioners in the alleged offence and also keeping in view the charge-sheet is yet to be submitted and investigation is in progress, we are of the view that custodial interrogation of the petitioners may be necessary in this case. As such we are not inclined to allow the petitioners' prayer for anticipatory bail.

The application for anticipatory bail is rejected.

C.R.M.(A) 32 of 2022 is dismissed.

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.)