

11.01.2022  
Item no.17.  
Court No.01.  
S.De  
( Rejected)

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

(Via Video Conference)

**CRM (A) No. 37 of 2022**

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Jalpaiguri Women Police Station Case No.140 of 2021 Dated 03.12.2021 under Sections 498A/304B/34 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act.

And

**In the matter of: Sunil Roy & Another.**

**.....Petitioners.**

Mr. Sudip Guha .....for the Petitioners.

Mr. Kallol Acharjee,  
Mr. Tapan Bhattacharjee .....for the State.

The victim lady committed suicide at her parental house within nine months of marriage. Sections 498A, 304B and 34 of the Indian Penal Code have been pressed into service.

We have seen the statements of independent witnesses recorded under Section 161 of the Code of Criminal Procedure. Many of them specifically named the present petitioners as also the victim's husband and the husband's sister as the persons who used to physically and mentally torture the victim.

We are told that the husband has surrendered before the learned Trial Court. Investigation is in progress. Charge-sheet is yet to be filed.

On an overall assessment of the facts and circumstances of the case, the material on record and the nature of allegations against these petitioners, we are of the view that custodial interrogation of the petitioners may be necessary. Hence, we are not inclined to allow this application for anticipatory bail.

The application for anticipatory bail is rejected.

C.R.M.(A) 37 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.)**