

02.03.2022

COURT : 01  
ITEM : 51  
MATTER : 438  
STATUS : ALLOWED  
TRANSCRIBER : nandy

**CIRCUIT BENCH OF CALCUTTA HIGH COURT  
AT JALPAIGURI**

**CRM (A) 89 of 2022**

In Re:- An application for **anticipatory bail** under section **438** of the Code of Criminal Procedure filed on February 7, 2022 in connection with Bhaktinagar Police Station Case No. 640 of 2021 dated 09.06.2021 under Sections 498A/304B/302/34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act.

And

In the matter of: **Madan Das & Anr.**

...Petitioners

**Mr. Debajit Kundu, Advocate**

...for the Petitioners

**Mr. Abhijit Sarkar, Advocate**

**Mr. Sourav Ganguly, Advocate**

...for the State

Apprehending arrest in connection with Bhaktinagar Police Station Case No. 640 of 2021 dated 09.06.2021 under Sections 498A/304B/302/34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act; the petitioners have filed the instant application for anticipatory bail.

Initially the case was registered under Sections 498A/304B/302/34 of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act against the petitioners and the husband of the victim lady. In course of hearing, it appears that the husband of the victim lady has been granted bail under Section 439 of the Code of Criminal Procedure.

Our attention is drawn to the chargesheet submitted by the prosecution wherein all other sections were excluded except Sections 498A/306/34 of the Indian Penal Code. We further peruse the post-mortem report and the findings of the Doctor. Since the husband of the victim lady has been granted bail and chargesheet has been submitted under Sections 498A/306/34 of

the Indian Penal Code, we feel that there is no necessity of custodial interrogation of the petitioners being the father-in-law and mother-in-law of the victim lady.

As such, the prayer for anticipatory bail is **allowed**.

Accordingly, in the event of arrest the petitioners, namely **Madan Das & Archana Das @ Sandhya**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the arresting officer and on condition as enshrined under Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioners shall meet the Investigating Officer as and when called for. Any default, will disentitle the petitioners from enjoying the benefit of Section 438 of the Code of Criminal Procedure.

The application being **CRM (A) 89 of 2022** is accordingly **disposed of**.

**(Harish Tandon, J)**

**(Rabindranath Samanta, J)**