

03.03.2022

COURT : 01
ITEM : 28
MATTER : 438
STATUS : ALLOWED
TRANSCRIBER : Saswata

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

CRM (A) 102 of 2022

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Dinhata women Police Station Case No. 83 of 2021 dated 06.10.2021 under Sections 498(A)/340B of the Indian Penal Code.

And

In the matter of : **Jogesh Paul**

...Petitioner

Mr. Sudip Guha

...for the Petitioner

Mr. Tapan Bhattacharjee

Ms. Namrata Das

...for the State

Apprehending arrest, the petitioner has filed the application for anticipatory bail in connection with Dinhata women Police Station Case No. 83 of 2021 dated 06.10.2021 under Sections 498(A)/340B of the Indian Penal Code.

The instant application for anticipatory bail is at the behest of the father-in-law of the deceased victim lady who died of a burn injury. The husband of the victim lady and the mother-in-law were released on bail after the arrest was made. The father-in-law has filed the instant application seeking parity. Admittedly, the charge sheet has already been submitted.

Our attention is drawn to the statement of the victim lady, made before the doctor. After perusing the same, we do not find any justification in not extending the benefit to the petitioner under Section 438 of the Code of Criminal Procedure.

As such, in view of the above, the prayer for anticipatory bail is ***allowed***.

Accordingly, in the event of arrest the petitioner namely, **Jogesh Paul**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local to the satisfaction of the arresting officer on further condition as enshrined under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner shall attend the learned trial Court on all the dates, as fixed for hearing until further order and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel the privilege of Section 438 of the Code of Criminal Procedure.

The application being CRM (A) 102 of 2022 is accordingly disposed of.

(Harish Tandon, J)

(Rabindranath Samanta, J)