

12.05.2022

Item no.14
Court No.01
Avijit Mitra

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

CRM (A) 257 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Sunil Roy & anr.

.... petitioners

Mr. Satyaki Basu

....for the petitioners

Mr. Ujjwal Luksom,

Ms. Namrata Das

..... for the State

Apprehending arrest 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 Sections 3/4 of the Dowry Prohibition Act, the present application has been preferred.

Mr. Basu, learned advocate appearing for the petitioners submits that the petitioners are the father-in-law and mother-in-law of the victim. They have been falsely implicated. The allegations are omnibus in nature. Another co-accused has already been granted anticipatory bail on 05th May, 2022. The allegations levelled are omnibus in nature. In the said conspectus, custodial interrogation of the petitioners may not be necessary.

Mr. Luksom, learned advocate appearing for the State draws our attention to several documents in the case diary.

We have perused the materials on record including the statements of witnesses and assessed the role attributed to the

present petitioners. Upon cumulative assessment of the materials, we find that the petitioners are similarly situated with the co-accused person, who had already been granted anticipatory bail. The petitioners are parents-in-law of the victim and *prima facie*, there is hardly any possibility that they would flee from justice.

Accordingly, we direct that in the event of arrest, the petitioners namely, **Sunil Roy and Sabita Roy** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioners shall attend the learned Court below on all the dates as specified for hearing.

It is further directed that the petitioners shall not tamper with the evidence or intimidate the witnesses.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel petitioners' bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail CRM (A) 257 of 2022 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)

