

12.07.2022.

Item No. 20

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 237 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 08.07.2022 in connection with Kotwali Police Station Case No. 1216 of 2021 dated 13.12.2021 under Sections 498A/304B of the Indian Penal Code and read with Sections 3/4 of the Dowry Prohibition Act, 1961.

And

In the matter of: **Krishna Sarkar.** ...petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das. ...For the petitioner

Mr. Ujjwal Luksom,
Mr. Aniruddha Biswas.For the State

The application for bail is founded on the ground that the brother-in-law of the victim has not been named in the First Information Report.

It appears from the record that although the petitioner resided in the same residence and there was regular dispute and difference between the victim and husband, who is in custody.

Given the fact that the petitioner is about 19 years of age and considering the materials available on the case diary and in view of the aforesaid fact, this Court is inclined to allow the bail of the petitioner.

Let the petitioner be released on bail upon furnishing a bond of Rs.5,000/- with two sureties of Rs.2,500/-

each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Cooch Behar.

It is further directed that the all other conditions provided under Section 437(3) of the Code of Criminal Procedure shall be complied with by the petitioner.

It is further directed that after released, the petitioner shall attend the jurisdictional Court when the matter is fixed for hearing unless he is prevented by any reason beyond his control.

We make it clear that if the petitioner fails to make himself available before the Trial Court, the Trial Court shall have the liberty to cancel the bail granted to the petitioner and take him into custody without any further reference to this Court.

C.R.M. (DB) No. 237 of 2022 is, thus, disposed of.

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

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)