

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL APPELLATE JURISDICTION**

05.09.2022
Sl. No. 11
k.b. /b.r.
Crt.1
granted

CRM(A) 387 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Banarhat P.S. Case No. 198 of 2022 dated 28.06.2022 under Section 498A of the Indian Penal code.

And

In the matter of: **Palash Rahman**

....Petitioner.

Mr. Satarudriya Mukherjee
Mr. Debjit Kundu

...for the Petitioner

Mr. Ujjal Luksom
Ms. Namrata Das

.....for the State.

This is an application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Banarhat P.S. Case No. 198 of 2022 dated 28.06.2022 under Section 498A of the Indian Penal Code.

The petitioner before this Court is the husband.

Case Diary is produced before this Court.

Learned Advocate for the petitioner, Mr. Mukherjee, is heard.

Learned Advocate for the State Respondent is also heard.

From the submissions of the parties and, on perusal of the Case Diary, this Court finds that the charge sheet against the petitioner relates to a demand for dowry.

This Court is further informed that in the facts of this case the provisions of Section 41A was not followed by the Investigating Authority.

Having considered the materials placed, this Court finds that it is a fit case where the custodial interrogation of the petitioner may not be required.

Petitioner is granted anticipatory bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand only) with two surety, one of whom must be local subject to the satisfaction of the Ld. Court of CJM, Jalpaiguri and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on the further condition that the petitioner shall not intimidate the witnesses nor shall hamper or tamper with the evidence..

It is made clear that the petitioner shall record his presence before the Investigating Officer once every week.

The petitioner shall not leave the jurisdiction of Banarhat Police Station without obtaining the permission of the Investigating Officer.

CRM (A) 387 of 2022 stands **disposed of**.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for,
be supplied to the parties on compliance of necessary formalities.

(Krishna Rao J.)

(Subrata Talukdar, J.)