

20.12.2022
Serial no. 04
[Dd]
(Anticipatory Bail)
(Allowed)

CALCUTTA HIGH COURT
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (A) 766 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Alipurduar Woman** Police Station Case No. **47** of **2021** dated **03.04.2021** corresponding to G.R. Case No. 551/21 under Sections **498A/307** of the Indian Penal Code and **3 & 4** Dowry Prohibition Act.

-And-

In the matter of : **Sushanta Bhattacharjee & Ors.**
... .. **Petitioners**

Ms. Minoti Gomes,
Mr. Apurba Kumar Datta, Advocates
... .. *For the Petitioners*

Mr. Ujjwal Luksum,
Mr. Tapan Bhattacharjee, (via video conference) Advocates
... ..*For the State*

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that there are previous proceedings for maintenance as well as for divorce.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code.

There is a divorce proceedings pending. There is a proceeding for maintenance initiated at the behest of the de facto complainant. The present police complaint was lodged subsequent to those proceedings.

The allegations appear to be omnibus and general in nature.

In such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner nos. 1 and 4 shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and petitioner nos. 2, 3 & 5 shall cooperate with the investigation till its completion and on further condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 766 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)