

06.02.2023

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Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM (A) 4 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 02.01.2023 in connection with Cooch Behar Sadar Women Police Station Case No. 124 of 2022 dated 01.10.2022 under Sections 498A/313/323/376/511/506/34 of the Indian Penal Code read with Sections 3/ 4 of the Dowry Prohibition Act.

In the matter of : Amjad Khan

... petitioner

Mr. Sudip Guha

...for the petitioner

Mr. Kallol Acharja,
Mr. Kallol Nag

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner submits that one of the co-accused persons, against whom allegation under Section 376 of the Indian Penal Code was levelled, was released on bail and four other co-accused persons have got anticipatory bail. It is further contended that the petitioner was in no way connected with the alleged offence.

Such contention is disputed by learned counsel for the State who opposes the prayer for anticipatory bail.

We find from the submissions of the parties and materials on record that the petitioner, being the husband of

the alleged victim, was indicted primarily on the grounds of Section 498A and 313 of the Indian Penal Code.

However, there are certain mitigating circumstances and, as such, the complaint was lodged after seven days from the wife being driven out from her matrimonial home.

In such view of the matter, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, CRM (A) 4 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar and on further condition that the petitioner shall not leave the territorial jurisdiction of the concerned police station during the entire period of investigation and shall meet the Investigating Officer once in a fortnight till investigation is complete.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)