

AD-247
Ct No.01
Jalpaiguri
03.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 7 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 **Dinhata** Police Station Case No. **406** of **2022** dated **20.08.2022** under Sections **498A/302/304B/34 IPC, 1860** and **Sections 3/4 of the Dowry Prohibition Act.**

And

In the matter of: **Chandan Bhowmik and others**

.... petitioners

Mr. Surajit Basu,
Mr. Ratan Chandra Roy

... for the petitioners

Mr. Ujjwal Luksom,
Mr. Biswarup Roy

... for the State

Learned counsel for the petitioners contends that the petitioners are respectively the husband, the mother-in-law and the brother-in-law of the deceased victim. It is contended that there are ingredients of suicide whereas the allegations made against the petitioners are in the nature of Section 498A read with Sections 302 and 304B as well as Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. It is further submitted that the father-in-law of the victim is already enlarged on bail.

Learned counsel for the State opposes the prayer for anticipatory bail primarily on the ground that the death took place within eight months of the marriage.

However, upon hearing learned counsel, we are satisfied that the petitioners are entitled to anticipatory bail, more so since one of the co-accused persons has already been enlarged on bail.

Accordingly, CRM (A) 7 of 2023 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioners shall be released on bail upon furnishing individual bonds of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata. The sureties may be common in respect of all the three petitioners. The petitioners shall report to the Investigating Officer once a fortnight and shall not leave the territorial jurisdiction of the concerned police station during the entire period of investigation.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)