

D/L 237
February 6, 2023
MNS

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

CRM (A) 23 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 03.01.2023 in connection with Dinhata Police Station Case No. 622 of 2022 dated 21.12.2022 under Sections 498A/302/34 of the Indian Penal Code read with Section 3/4 Dowry Prohibition Act.

And

In the matter of: Moniul Hoque and others

.... petitioners

Mr. Sudip Guha

... for the petitioners

Mr. A. S. Chakraborty,
Mr. Aniruddha Biswas

... for the State

Learned counsel for the petitioners submits that the allegations were levelled after eight years of marriage. That apart, the principal accused, being the husband of the victim, is in custody at present.

Inasmuch as the petitioners are concerned, they are respectively the brother-in-law, the father-in-law, the mother-in-law and wife of the brother-in-law of the victim. The nature of allegations against them is general.

Learned counsel for the State opposes the prayer for anticipatory bail of the petitioners and submits that the investigation is at a nascent stage and as such, further materials against the present petitioners might come up on investigation.

Heard learned counsel for the parties. It is apparent that, at the present juncture, the nature of allegation against the present petitioners is general. That apart, the principal accused/husband is already in custody. As such, we do not see any reason to refuse anticipatory bail to the petitioners at the present stage.

Accordingly, CRM (A) 23 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 bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar. The sureties may be common in respect of all the petitioners. The petitioners 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 during the tenure of the investigation.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)