

AD-217
Ct No.01
Jalpaiguri
07.02.2023
TN

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

CRM (A) 28 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 04.01.2023 in connection with Dinhata Women Police Station Case No. 75 of 2019 dated 23.10.2019 under Sections 498A/307/325/34 IPC, corresponding to GR Case No. 468 of 2019.

And

In the matter of: Tutun Roy @ Rahul Roy

.... petitioner

Mr. Sudip Guha

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag

... for the State

Learned counsel for the petitioner submits that one of the co-accused persons, that is, the sister-in-law of the victim has been granted anticipatory bail. The petitioner, who is the husband of the victim, has been accused of beating the victim, although there is no indication of any injury in the medical report. That apart, the case sought to be made out by the victim is that after poison was administered to her, she went back within two days to her matrimonial home, subsequent to which the alleged occurrence of beating took place. As such, it is submitted that there is sufficient doubt cast on the role of the petitioner, if at all, in the alleged offence.

Learned counsel for the State opposes the prayer for anticipatory bail, primarily placing reliance on the statement under Section 161 of the Code of Criminal Procedure.

However, in the circumstances as indicated above, we are of the opinion that sufficient doubt has been cast on the alleged offence.

Accordingly, CRM (A) 28 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions 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.5,000/-, 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 petitioner shall not leave the territorial jurisdiction of the trial court without leave of the trial court and shall attend on each date of trial.

The petitioner shall not issue any inducement, threat or promise to the victim in any manner whatsoever during the period of trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)