

AD-192
Ct No.01
Jalpaiguri
09.02.2023
TN

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

CRM (A) 47 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.01.2023 in connection with Matigara Police Station Case No. 963 of 2022 dated 13.09.2022 (corresponding G.R. No. 4097 of 2022) under Sections 498A/313 of the IPC, 1860 and Sections 3 and 4 of Dowry Prohibition Act, 1961.

And

In the matter of: Awdesh Sha @ Awdesh Kishor Sah and others
.... petitioners

Mr. Debajit Kundu

... for the petitioners

Mr. Saikat Chatterjee,
Mr. Chattu Roy

... for the State

Learned counsel for the petitioners submits that other co-accused persons standing on similar footing as the present petitioners have already been granted bail.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that there are statements under Section 164 of the CrPC on record which implicate the present petitioners for forcible termination of pregnancy of the victim.

Keeping in view the fact that the co-accused persons have been enlarged on bail and in view of the nature of the allegations made, which are required to be proved in trial, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, CRM (A) 47 of 2023 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall comply with the conditions 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/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri. The sureties may be common in respect of all the petitioners.

The petitioners shall not leave the territorial jurisdiction of the trial court during the period of trial and shall attend on each and every date of trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)