

D/L 205
February 9, 2023
MNS

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

CRM (A) 62 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 11.01.2023 in connection with Malbazar Police Station Case No. 647 of 2022 dated 28.08.2022 for the alleged offence under Sections 498A/307 of the Indian Penal Code read with Section 3/4 of the Dowry Prohibition Act.

And

In the matter of: Nur Hossain and others

.... petitioners

Mr. Sudip Guha

... for the petitioners

Mr. Abhijit Sarkar,
Ms. Namrata Das

... for the State

Learned counsel for the petitioners submits that the petitioners are respectively the father-in-law, mother-in-law and the brother-in-law of the victim lady. It is argued that the husband of the victim, standing on similar footing vis-à-vis the allegations as the present petitioners, has already been granted bail.

Learned counsel for the State opposes the prayer for anticipatory bail of the petitioners and submits that the present petitioners have been absconding since the commission of the alleged offence. That apart, it is argued that even the nature of the allegation against the petitioners is serious as there were 50% burn injuries.

Considering the submissions of the parties, since the alleged offence is comparatively recent, that is, of the month of August, 2022 and the present application is for anticipatory bail, we cannot agree with learned counsel for the State on the score that in view of the petitioners “absconding”, the petitioners ought to be refused anticipatory bail, particularly, since the husband standing on a co-equal footing has already been granted bail.

In such view of the matter, even keeping in mind the gravity of the allegation, we are inclined to grant anticipatory bail to the petitioners, who stand on similar footing as the husband.

Accordingly, CRM (A) 62 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, Jalpaiguri. The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial court on each and every date of trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)