

**IN THE HIGH COURT AT CALCUTTA  
Circuit Bench at Jalpaiguri**

28.02.2023.  
45.  
as  
(Allowed).

**C.R.M. (A) 153 of 2023**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dinhata P. S. Case No.472 of 2022 dated 24.09.2022 under Sections 498A/306 of the Indian Penal Code read with Sections 3 / 4 of the Dowry Prohibition Act.

In the matter of : Minu Bibi & Anr.

... Petitioners.

Mr. Hillol Saha Podder,  
Ms. Mousumi Das.

...for the Petitioners.

Mr. Sourav Ganguly,  
Mr. Dhiman Sil.

.....for the State.

Petitioners are the mother-in-law and husband respectively of the victim lady. It is contended incident occurred 11 years after marriage. They pray for anticipatory bail.

Learned Advocate for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegations are general and omnibus. Incident occurred 11 years after marriage. Statutory presumption under Section 113A of the Evidence Act is not attracted.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners viz., Minu Bibi and Mijanur Haque shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the trial court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, disposed of.

**(Subhendu Samanta, J.)**

**(Joymalya Bagchi, J.)**