

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

12.04.2023
Court No.1
(D/L 64)
(allowed)

CRM (A) 212 OF 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 31.03.2023 in connection with Siliguri Police Station Case No.1138 of 2022 dated 09.12.2022 under Sections 498A/326/307 of the Indian Penal Code, 1860 and Section 3 and 4 of the Dowry Prohibition Act, 1961.

And

In the matter of: **Pawan Jajodia @ Pawan Kumar Agarwala & Anr.**
... Petitioners.

Mr. Amalesh Ray
Ms. Deborshi Dhar

... for the petitioners.

Mr. Aditi Shankar Chakraborty, APP

... for the State.

Prayer for bail is made on behalf of the father-in-law and mother-in-law of the victim. Coordinate Bench of this Court granted bail to the husband after he had been in custody 48 days.

Considering the materials on record, more specifically page 25 which appears to be a statement of the victim, wherein it is seen that she has stated that she was pushed from the terrace but she does not know who had pushed her. Specific allegation is against the husband Ankit Agarwal, who is now on bail.

It is submitted by the learned counsel appearing for the petitioner that presently the child has been handed over to the victim/wife/mother and she now resides in her parents house. From

the statement of the wife it is also seen that she had been wanting her child back.

Considering the said facts and circumstances, we are inclined to grant anticipatory bail to the petitioners. We direct that in the event of arrest the petitioners are granted bail upon furnishing a bond of Rs.5,000/- with two sureties of Rs.2,500/- amount each, to the satisfaction of the learned ACJM, Siliguri and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973

The application for anticipatory bail is, accordingly, allowed.

[SHAMPA DUTT (PAUL), J.]

(RAJARSHI BHARADWAJ, J.)