

11.05.2023

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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(A) 223 of 2023

In the Matter of : **Kiran Bala Sarkar.**

.... Petitioner.

Mr. Subhasish Misra

Mr. Swarup Das

....for the petitioner.

Mr. Tapan Bhattacharjee

Mr. Chattu Roy

.....For the State.

This is an application for grant of anticipatory bail filed under the provisions of Section 438 of the Code of Criminal Procedure, 1973 (in short Cr.P.C) in connection with Tufanganj Police Station Case No. 744 of 2022 dated 04.09.2022 under Sections 498A/304B of the India Penal Code, 1860 (in short IPC) read with Section 3 /4 of Dowry Prohibition Act, 1961, presently pending before the learned Additional Chief Judicial Magistrate, Tufanganj, Cooch Behar.

The petitioner is the mother-in-law of the de facto complainant. Charge-sheet has already been filed. Charges have been framed. The matter is awaiting trial to commence.

We do not find that custodial interrogation of the petitioner is necessary. We are also informed that two of the co-accused have been enlarged on bail.

Considering the aforesaid facts and circumstances, we accordingly allow this application for anticipatory bail on the following terms:

We direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of the Arresting Officer.

The petitioner will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

We impose further conditions that:

- (a) The petitioner shall immediately deposit her passports, if she possesses one, with the investigating officer.
- (b) She shall appear before the investigating officer for interrogation as and when summoned.
- (c) She shall not leave the limits of the district Cooch Behar without informing the investigating officer of the details of her whereabouts.

- (d) She shall not tamper with evidence or intimidate the witnesses in any manner.
- (e) The petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail, being CRM(A) 223 of 2023 is disposed of.

(Ananya Bandyopadhyay, J.) (Arindam Mukherjee, J.)