

14.6.2023

Sl. No.47

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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (A) 386 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 147 of 2023 dated 01.03.2023 under Sections 498A/306/34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act, 1961.

And

In Re: ***Sonatan Das***

... .. Petitioner

Mr. Anirban B anerjee

... .. for the petitioner

Mr. Sourav Ganguly

Mr. Kallol Nag

... .. for the State

Heard the learned Advocates appearing for both the parties.

Learned counsel appearing for the petitioner submits that the petitioner is the husband of the deceased and he is innocent and he has been falsely implicated. It is further submitted that the co-accused persons have been granted anticipatory bail by the Sessions Judge, Jalpaiguri.

Learned counsel appearing for the State in opposing the prayer for anticipatory bail has submitted that the husband of the petitioner stands on different footing and he is the prime accused.

Having considered the materials available in the case diary and the P.M report which shows that the death was caused due to the effect of ante mortem hanging and there is no other injury detected over

the body of the deceased and also having regard to the fact that the other persons, whose name transpired from the statement recorded under Section 161 of the Code of Criminal Procedure, have been granted anticipatory bail, the petitioner is entitled to anticipatory bail and we are of the view that the custodial interrogation of the accused/petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once in a week till the charge-sheet is filed and co-operate with the investigation and on further condition that the petitioner shall not leave the jurisdiction without the permission of the jurisdictional court and shall surrender before the court below within four weeks from date and pray for regular bail.

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this court.

(Raja Basu Chowdhury, J.)

(Soumen Sen J.)

