

14.6.2023

Sl. No.51

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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (A) 390 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pundibari Police Station Case No. 726 of 2022 dated 16.12.2022 under Sections 498B/304B of the Indian Penal Code.

And

In Re: ***Rabi Roy & Anr.***

... .. Petitioners

Ms. Mousumi Das

... .. for the petitioners

Ms. Aditi Shankar Chakraborty

Mr. Subhasish Misra

... .. for the State

Heard the learned advocates appearing for both the parties.

The petitioner no. 1 is the father-in-law and the petitioner no. 2 is the mother-in-law of the deceased.

Learned counsel appearing for the petitioners submits that the petitioners are innocent.

Learned counsel appearing for the State in opposing the prayer for anticipatory bail submits that the death occurred within three months from the date of marriage and the presumption under Section 113B of the Evidence Act is applicable in the instant case. However, in all fairness it is submitted that the husband of the deceased was granted bail in the trial court.

Having considered the materials available in the case diary, the nature of involvement of the petitioners in the commission of alleged

offence and the fact that the husband of the deceased was granted bail, we are of the view that the custodial interrogation of the accused/petitioners may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 no. 1** shall meet the Investigating Officer once in a week and so far as the **petitioner no. 2** is concerned, she does not require to meet the Investigating Officer and both of them shall co-operate with the investigation and on further condition that the petitioners 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.)

