

50. 03.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 425 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Coochbehar Sadar Women Police Station Case No. 87 of 2022** dated **06/07/2022** under Sections **498A/323/313/506** of the Indian Penal Code, 1860 read with Sections **3/4** of Dowry Prohibition Act, 1961.

And

In the matter of: - **Jakir Hossain**

...petitioner.

Mr. Hillol Saha Podder, Adv.,
Ms. Mousumi Das, Adv.

...for the petitioner.

Mr. Kallol Acharjee, Adv.,
Mr. Arjun Chowdhury, Adv.

...for the State.

Heard learned Advocate for the petitioner as well as learned Advocate for the State.

On a perusal of the entire material in the case diary it appears that the allegations made through formal FIR as well as in the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure, 1973 are basically omnibus in nature. There is no material at least at this stage to attract Section 313 of the Indian Penal Code.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged incident, we are of the view that immediate custodial

interrogation of the petitioner may not be necessary so long as he fully co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Jakir Hossain**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, until further orders and on further condition that the petitioner shall report to the Investigating Officer once every fortnight until completion of investigation.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM (A) 425 of 2023 is thus allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)