

06.07.2023

Item no.51

Court No.1.

AB

(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) No.478 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No.509 of 2022 Dated 21.8.2022 under Sections 498A/325/307/34 of the Indian Penal Code read with Sections 3/4 of the DP Act

And

In the matter of : Pintu Das Petitioner.

Mr. Arijit Ghosh,
Ms. Swarnali Ghosh for the Petitioner.

Mr. Ujjwal Luksom,
Mr. Arjun Chowdhury for the State.

The petitioner is the husband of the defacto complainant. The charge is under Sections 498A/325/307/34 IPC read with Sections 3 /4 of the Dowry Prohibition Act.

The petitioner says that he has been falsely implicated. He was not a party to the alleged incident. Charge sheet has been submitted. He is ready, willing and prepared to cooperate in further investigation, if any.

We have seen the material in the case diary and heard learned Counsel for the State.

On an overall assessment of the material disclosed before us, we do not, prima facie, find sufficient material to support a charge under Section 307 IPC.

In view of the aforesaid, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely Pintu Das shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate, Mathabhanga within 21 days either from the date of obtaining certified copy or from the date of uploading of the instant order in the server, whichever is earlier.

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 C.R.M. (A) No.478 of 2023 is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)

