

36. 13.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

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

CRM (A) 513 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Dinhata Police Station Case No. 264 of 2022** dated **31/05/2022** under Sections **498A/304B/34** of the Indian Penal Code, 1860 read with Sections **3/4** of the Dowry Prohibition Act.

And

In the matter of: - **Jobeda Bewa @ Joyman Bewa**

...petitioner.

Mr. Sudip Guha, Adv.

...for the petitioner.

Mr. Abhijit Sarkar, Adv.,

Ms. Sukanya Adhikary, Adv.

...for the State.

Heard learned Advocate for the petitioner and learned Advocate for the State.

It is contended that considering the fact that investigation has already been completed in the meantime, the instant application for anticipatory bail may be considered favourably.

While opposing the prayer for anticipatory bail, learned Advocate for the State draws our attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973.

On a perusal of the entire material in the case diary, we find some incriminating material as against the present accused/petitioner, but considering the fact that this is not a fit

case for custodial trial especially when investigation has already been completed and the other charge-sheeted co-accused person is stated to have been enlarged on bail, we are inclined to allow the prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner, namely, **Jobeda Bewa @ Joyman Bewa**, 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, Dinhata, Cooch Behar and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and on further condition that the present accused/petitioner shall appear before the learned Additional Chief Judicial Magistrate, Dinhata, Cooch Behar, on each date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973.

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) 513 of 2023 is thus disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)