

49. 12.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

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

CRM (A) 527 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. 30 of 2023** dated **23/01/2023** under Sections **498A/304B/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Shantana Debnath @ Santona Debnath @ Shantna Debnath & Anr.**

...petitioners.

Mr. Arijit Ghosh, Adv.,
Mrs. Swarnali Ghosh, Adv.

...for the petitioners.

Mr. Abhijit Sarkar, Adv.,
Mr. Dhiman Sil, Adv.

...for the State.

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

It is contended that considering the fact that the present accused/petitioners' involvement in the alleged crime is very much remote and investigation has 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 submits that the involvement of the present accused/petitioners is found to be prominent in course

of investigation especially from the statements of the witnesses recorded both under Sections 161 and 164 of the Code of Criminal Procedure, 1973.

On a perusal of the entire material in the case diary, it appears to us that the allegation as made out in the FIR though gets some support from the statements of the witnesses, but basically the same is omnibus in nature. Charge-sheet is stated to have been submitted in the meantime.

Considering the entire circumstances, we are inclined to allow the prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioners, namely, **Shantana Debnath @ Santona Debnath @ Shantna Debnath** and **Subhas Debnath @ Subhash Debnath**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two registered sureties of like amount each, 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 that the present accused/petitioners shall appear before the learned Additional Chief Judicial Magistrate, Dinhata, Cooch Behar, within twenty one days from the date of obtaining a certified copy of this order or from the date of uploading of this order in the server, whichever is earlier.

The learned Additional Chief Judicial Magistrate, Dinhata, Cooch Behar, is directed to act on the sever copy of this order duly downloaded from the official website of the Court.

In case the petitioners fail 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) 527 of 2023 is thus disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)