

43. 14.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

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

CRM (A) 558 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Naxalbari Police Station Case No. 184 of 2022** dated **14/07/2022** under Sections **498A/341/325/307/302/34** of the Indian Penal Code, 1860 read with Sections **3/4** of the Dowry Prohibition Act.

And

In the matter of: - **Debasish Paul**

...petitioner.

Mr. Arunava Paul, Adv.

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Arjun Chowdhury, Adv.

...for the State.

The allegations are under Sections 498A/341/325/307/302/34 of the Indian Penal Code, 1860. The petitioner is the husband of the deceased lady.

The petitioner says that he has no role to play in the alleged incident. The main assailant was another member of the family. He says that he is prepared to fully co-operate with the Police personnel.

We have seen the material in the case diary including the statements of witnesses. We have also seen the statement of the petitioner's son and that of a neighbour. There is nothing specific against the present petitioner.

In view of the aforesaid and also keeping in mind that charge-sheet has been submitted following the completion of investigation, we are of the opinion that the petitioner need not be taken into custody immediately.

Accordingly, in the event of arrest, the petitioner, namely, **Debasish Paul**, 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, Siliguri, Darjeeling 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 petitioner 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.

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) 558 of 2023 is thus disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)