

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

16.08.2023
Court No.1
Item. 49
(sg/cm)

CRM(A) 571 OF 2023

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Matigara Police Station Case No. 399/2023 dated 27.05.2023 under Sections 498A/494 of the Indian Penal Code.

And

In the matter of: AMIT NASKAR & ORS.

.Petitioners.

Mr. Pritam Chowdhury

For the Petitioners.

Mr. Nilay Chakraborty
Mr. Dhiman Sil

For the State.

1. The petitioners have complied with the direction of the last Circuit Bench with regard to Section 41A of the Cr.P.C.
2. The husband, father-in-law, mother-in-law and married sister-in-law of the de-facto complainant are before us. The petitioner no. 1 got married to the de-facto complainant in January, 2019 and the de-facto complainant left her matrimonial home for Nepal in August, 2019. The de-facto complainant lodged an F.I.R. against the petitioners under Sections 498A/494 of the Indian Penal Code.
3. After hearing learned counsel appearing for the petitioners and the prosecution, it appears that there are no specific charges against the petitioners under Section 498A of the Indian Penal Code. Section 494 is a bailable offence. It is also undisputed that the F.I.R. was lodged

after four years from the time of the de-facto complainant leaving her matrimonial home.

4. The above factors persuade us to hold that the petitioners' custodial interrogation is not necessary. We accordingly grant prayer for anticipatory bail.
5. We accordingly direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of who must be local, to the satisfaction of the Arresting Officer and also comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioners shall cooperate with the investigation and make themselves available for questioning to the Investigating Officer once in a fortnight until further orders. The petitioners shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever.
6. The application for anticipatory bail being CRM(A) 571 of 2023 is allowed and disposed of in terms of the above.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)