

14.09.2023

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

CRM (A) 646 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 14.08.2023 in connection with Falakata Police Station Case No. 298 of 2023 dated 25.06.2023 under Sections 498A/304B of the Indian Penal Code.

In the matter of : Miya Atiur Rahaman @ Atiul Rahaman & Anr.
... petitioners

Mr. Arnab Saha
...for the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas
...for the State

1. Learned counsel appearing for the petitioners submits that the petitioners are the in-laws of the alleged victim. It is contended that the nature of allegations against the petitioners are vague and the principal accused, that is, the husband of the victim, has already surrendered.

2. Learned counsel appearing for the State opposes the prayer for anticipatory bail.

3. Upon going through the allegations against the petitioners, we are of the opinion that there is sufficient *prima facie* allegation against the petitioners. That apart, the offence took place within seven years of the marriage and the presumption under Section 113B of the Evidence Act is

applicable. Hence, we are not inclined to grant anticipatory bail to the petitioners. Liberty, however, is granted to the petitioners to surrender and seek bail in normal course.

4. CRM (A) 646 of 2023 is, accordingly, dismissed.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)