

04.10.2023
Court No.1
SL No.34
pk/AP

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

CRM(A) 780 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Alipurduar Women** P.S. Case No.48 of 2023 dated 31.07.2023 under Sections 498A/307 of the Indian Penal Code read with Section 4 of the DP Act.

And

In the matter of: **Subhan Kundu @ Shoban Kundu and Ors.**
....Petitioners.

Mr. Arijit Ghosh
Ms. Swarnali Ghosh

...for the petitioner.

Mr. Kallol Acharjee
Ms. Namrata Das

...for the State.

1. The application for anticipatory bail is filed by five persons including the husband and in-laws.
2. The husband is the petitioner No.1. The torture upon the de facto complainant for dowry had started within two months of marriage which solemnized in May 2023. The de facto complainant/wife left the matrimonial house within three months thereof.
3. In the above circumstances, this Court is not inclined to grant anticipatory bail to the petitioner No.1 (Subhan Kundu @ Shoban Kundu).
4. However, given the nature of allegations in the complaint, this Court is inclined to grant anticipatory bail to the petitioner

No.2 (Smt. Dipali Kundu @ Deepali Kundu), petitioner No.3 (Sri Niranjan Kundu), petitioner No.4 (Sri. Pulak Ghosh @ Pulok Ghosh), petitioner No.5 (Smt. Popi Ghosh @ Papi Ghosh).

5. In the event of arrest, the petitioner Nos.2 to 5 shall be released on bail upon furnishing a Bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner Nos.2 to 5 shall meet the investigating officer as and when required until further orders and on further condition that they shall cooperate with the investigation and on further condition that the petitioner Nos.2 to 5 shall appear before the court below and pray for regular bail within a fortnight from date.

6. In the event the petitioner Nos.2 to 5 fail to comply with the aforesaid conditions as enshrined hereinabove, the bail of the petitioner Nos.2 to 5 shall automatically stand cancelled without any further reference to this Court.

7. The application for anticipatory bail is, thus, disposed of.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)