

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

11.10.2023.
14/pm

C.R.M.(A) 885 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 06.10.2023 in connection with Boxirhat P.S case no. 346 of 2023 dated 25.08.2023 under Sections 498A/306/34 of the Indian Penal Code.

Allowed

In Re : Sanjay Sarkar & Anr. petitioners

Mr. Satarudriya Mukherjee
Ms. Oshmita Mukherjee
..... for the petitioners

Mr. Nilay Chakraborty,
Ms. Sukanya Adhikary,
..... for the State

Learned advocates for the petitioners submit that the present petitioners are the brother-in-law and father-in-law of the victim and there is no specific allegation against them and they have been implicated in this case only for the reason that they are the members of the in-laws family of the victim and submit that after knotting the marital tie the victim started leaving in a different place along with her husband.

He submits that the petitioners can be given the benefit of pre-arrest bail.

Learned Public Prosecutor opposes the prayer for bail.

Heard learned advocates appearing for the respective parties. Perused the Case Diary and other materials on record.

On such perusal, it prima facie appears that there is no specific allegation against the present accused person.

Considering this aspect this Court is of the view that custodial interrogation of the present petitioners is not required and the benefit under Section 438 of the Code can be extended to the petitioners.

In the event of arrest, the petitioners may find bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand) each, with two sureties of equal amount each to the satisfaction of the learned ACJM, Tufanganj subject to the conditions that the petitioners shall meet the Investigating Officer once in a fortnight until further order of this Court. The petitioners will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM (A) 885 of 2023 is disposed of.

(Partha Sarathi Chatterjee,J.)

(Md. Nizamuddin, J.)