

D/L 216
January 31, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 747 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.12.2022 in connection with Siliguri Women Police Station Case No. 136 of 2022 dated 01.08.2022 under Sections 498A, 448, 324, 307/506, 379 and 34 of the Indian Penal Code, 1860 and read with Section 4 of the Dowry Prohibition Act.

And

In the matter of: Biki Mallick and others

.... petitioners

Mr. Arnab Sengupta,
Ms. Deborshi Dhar,

... for the petitioners

Mr. Ujjwal Luksom,
Ms. Namrata Das

... for the State

Heard learned counsel for the parties.

Learned counsel for the State opposes the prayer for anticipatory bail and contends that there is sufficient material, including the injury report concerned, to indicate the active role of the petitioners in the offence.

However, upon considering the materials on record and the statement of one of the witnesses, namely, Gopal Paul under Section 161 of the Code of Criminal Procedure, we find that the nature of the allegations, inasmuch as the petitioners were concerned, was somewhat vague. That apart, the particular Sections clubbed, including Section 498A, might not be available in respect of the petitioners.

Be that as it may, we find sufficient *bona fide* doubt to lend the benefit of anticipatory bail to the petitioners.

Accordingly, CRM (A) 747 of 2022 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioners 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 learned Additional Chief Judicial Magistrate, Siliguri. The sureties may be common in the case of all the petitioners. The petitioners shall not leave the jurisdiction of the concerned police station throughout investigation and shall cooperate in the investigation in every manner. The petitioners shall make themselves available for interrogation as and when so called upon to do by the Investigating Officer.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)