

AD-220
Ct No.01
Jalpaiguri
02.02.2023
TN

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

CRM (A) 790 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **23.12.2022** in connection with **Boxirhat** Police Station Case No. **219** of **2022** dated **03.06.2022** under Section **498A IPC, 1860** and read with **Sections 3/4** of the **Dowry Prohibition Act, 1961**.

And

In the matter of: **Abdus Sattar Sekh**

.... petitioner

Mr. Hillol Saha Podder

... for the petitioner

Mr. Ujjwal Luksom,
Mr. Chattu Roy

... for the State

Learned counsel for the petitioner submits that the petitioner was accused under Section 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The complaint was lodged after about one month from the wife/victim leaving the husband.

That apart, it is submitted that the complaint arose from mere matrimonial dispute without there being any *prima facie* proof of any claim of dowry in any manner whatsoever.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that the allegations against the petitioner are of physically assaulting the victim.

Heard learned counsel for the parties.

In the circumstances of the case, as indicated above, we are convinced that the petitioner is entitled to grant of anticipatory bail.

Accordingly, CRM (A) 790 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tufanganj .

The petitioner, during investigation, shall meet the Investigating Officer every fortnight and shall not leave the territorial jurisdiction of the concerned police station during the course of investigation.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)