

D/L 222
February 2, 2023
MNS

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

CRM (A) 792 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 Birpara Police Station Case No. 42 of 2014 dated 01.04.2014 under Sections 498A/302 of the Indian Penal Code, 1860 subsequently Charge-sheet submitted being Charge-sheet no. 75 of 2014 dated 30.04.2014 under Sections 498A/304B Indian Penal Code, 1860 and read with Section 3/4 of the Dowry Prohibition Act, 1961.

And

In the matter of: Golchan Sha

.... petitioner

Mr. Sabir Ahmed,
Mr. H. S. Podder

... for the petitioner

Mr. Ujjwal Luksm,
Mr. Dhiman Sil

... for the State

Learned counsel for the petitioner submits that omnibus allegations have been levelled against the petitioner. Moreover, the petitioner is the brother-in-law of the alleged victim and all the other co-accused persons, including the husband of the victim, are on bail.

Learned counsel for the State opposes the prayer for anticipatory bail by placing reliance on the statements of the witnesses under Section 161 of the Code of Criminal Procedure.

However, in view of the circumstances as indicated above, we are convinced that the petitioner is entitled to anticipatory bail.

Accordingly, CRM (A) 792 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall

satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a 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, Alipurduar. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial court in the event the petitioner's attendance is necessary in trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)