

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

23.11.2023

Serial No.12

Court No.1

CHC

Allowed

C.R.M.(A) 914 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rajganj** Police Station Case No. **442** of **2023** dated **05.09.2023** under Sections **498A/304B** of the Indian Penal Code, 1860.

And

In the matter of: **Biswanath Ghosh & ors.**

..... petitioners

Mr. Anirban Banerjee, Advocate

....for the petitioners

Mr. Tapan Bhattacharjee, Advocate

Mr. Dhiman Sil, Advocate

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, petitioner nos.2 and 3 were in Kolkata at the material point of time. In support of such contention, he relies upon boarding passes of the petitioner nos.2 and 3.

Learned advocate appearing for the State draws the attention of the Court to the statements recorded under Section 164 of the Criminal Procedure Code of the parents of the victim as also the Post Mortem Report of the victim. He also draws the

attention of the Court to 161 statements of the neighbours of the victim.

The statements of the neighbours of the victim, are largely hearsay and omnibus in nature.

The 164 statements of the parents of the victim suggest that there was a demand for dowry.

Post Mortem Report of the victim suggests that the victim committed suicide.

The statements of the parents of the victim also suggest that, petitioner nos.2 and 3 were not present at the locale when the incident occurred.

The husband of the victim was arrested and he is in custody.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners will be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, 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 condition that petitioner no.1, namely, Biswanath Ghosh will report before the Investigating Officer once in a fortnight till the conclusion of investigation and that petitioner nos.2 and 3, namely, Mira Ghosh and Bharati Ghosh @ Sangita Ghosh will cooperate with

the Investigating Officer till the conclusion of the investigation and on further condition that the petitioners shall appear on every date before the jurisdictional court on and from the date fixed for appearance of the accuseds and in default the jurisdictional court will pass appropriate order to secure the presence of the petitioners in court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)