

Circuit Bench of Calcutta High Court At Jalpaiguri
CRM (DB) 2 of 2024

In re: An application for bail under Section 439 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 read with Sections 3/4 of the Dowry Prohibition Act.

- A n d -

In the matter of : Gobinda Ghosh

.... Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Ms. Debi Sarkar,
Mr. S. Bhowmik,
Mr. S. Kumar,
Ms. J. Haque,
Ms. Rikta Sarkar,

... For the Petitioner.

Mr. Ujjwal Luksom,
Ms. Sukanya Adhikary,

... For the State.

Heard Mr. Bhowmik, learned Counsel for the petitioner and Ms. Adhikary, learned Counsel for the State.

This bail application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for bail by the petitioner in Rajganj Police Station case No. 442 of 2023 dated 05.09.2023 under Sections 498A/304B of the Indian Penal Code, read with Section 3/4 of the Dowry Prohibition Act, corresponding to G.R. Case No. 4679 of 2023, pending before the Court of Learned Chief Judicial Magistrate, Jalpaiguri.

Learned Counsel for the petitioner submits that the deceased victim has committed suicide and the petitioner being unfortunate husband is totally innocent and has no role in the commission of suicide by the victim girl. He further submits that

the other two co-accused persons, namely, Mira Ghosh (mother in law) and Bharati Ghosh @ Sangita Ghosh have been granted anticipatory bail by order dated 23.11.2023 passed by this Court in CRM (A) 914 of 2023 and, therefore, bail may also be granted to the petitioner herein.

Learned State Counsel submits that there are serious allegations of dowry and causing death of the victim girl by the petitioner. The allegations in the FIR also stands corroborated with the statement recorded by the Investigating Officer under Section 161 Cr. P.C. and also with the statement of the informant recorded under Section 164 Cr. P.C. The petitioner is languishing in jail since 05.09.2023. She also submits that in the event the petitioner is released on bail, the witnesses may be influenced and he may also abscond.

Considering the facts and circumstances of the case, nature and gravity of accusation and the statement recorded under Sections 161 and 164 Cr. P.C, we do not find any good reason to enlarge the petitioner on bail at this stage. Therefore, the prayer for bail is rejected.

Consequently, CRM (DB) 2 of 2024 is dismissed.

Urgent certified copy of this order, if applied for, be supplied to the learned Counsel for the respective parties.

(Surya Prakash Kesarwani, J.)

(Rai Chattopadhyay, J.)