

25.04.2024
Court No.01
Item No. 10
Rejected

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

ar

CRM (A) 258of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No. 340 of 2024 dated 15.10.2023 in connection with G.R Case No. 1343 of 2023 under Sections 498A/307 of the Indian Penal Code,1860 read with Sections 3/ 4 of the Dowry Prohibition Act, 1961.

And

In Re: **Amir Hossain & Anr.**

Petitioners

Mr. Hillol Saha Podder
Ms. Mousumi Das

For the Petitioners

Mr. Ujjwal Luksom
Ms. Nmarata Das

For the State

1. It is submitted on behalf of the petitioners that the present accused petitioner no. 1 is the husband and the petitioner no. 2 is the father-in-law have been falsely implicated in this case on account of matrimonial discord.
2. While opposing the prayer for anticipatory bail, learned counsel for the State draws our attention to the statement of the victim as recorded under Section 164 Cr.P.C vis-à-vis bed head ticket of the victim.
3. We find that the allegation as made out in the F.I.R as well as the statement of the victim under Section 164 Cr.P.C gets prima facie support from the finding of the Doctor, which is evident from the bed head ticket of the victim.

4. Considering the seriousness of the crime, we are not inclined to exercise our discretion under Section 438 Cr.P.C in favour of the petitioners.
5. Accordingly, the prayer for anticipatory bail of the petitioners stands rejected.
6. CRM (A) 258 of 2024 is, thus, disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)