

21.06.2024
(D/L 21)
Ct. No.1
(Allowed)
(SKB)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M.(A) 472 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mathabanga P. S. Case No.104 of 2024 dated 26.02.2024 under Sections 498A/304B/34 of the Indian Penal Code corresponding to G.R. Case No.1573 of 2024 corresponding to G.R. Case No.272 of 2024.

In the matter of : Gouri Sarkar and another
... Petitioners

Mr. Hillol Saha Podder,
Ms. Mousumi Das
... for the petitioners

Mr. Saikat Chatterjee,
Mr. Chattu Roy
... for the State

1. Heard learned counsel for the petitioners and the learned State counsel.
2. As per allegation daughter of the defacto complainant was driven to commit suicide after being subjected to torture for demand of dowry. Death has occurred two years two months after the marriage.
3. The learned counsel for the petitioner submits that the husband of the victim, her father-in-law and brother-in-law have already been arrested. The two petitioners before this court are mother-in-law of the victim and married sister-in-law of the victim. It is submitted that there is no specific allegations against those persons and they are apprehending arrest merely by virtue of the presumption in law with reference to Section 304B of the

IPC. It is further submitted that in the event, they are allowed anticipatory bail, they will fully co-operate with the investigation and will not leave the jurisdiction of the concerned police station without permission of the IO concerned.

4. Learned State counsel has opposed the prayer. He has referred to the presumption under Section 304B as well as 113(b) of the Evidence Act and stated that it is an unnatural death occurred in the matrimonial home within the statutory period. The said submissions are relevant to the trial of the case.
5. We are, *prima facie*, satisfied that a case is made out for grant of anticipatory bail based on submissions advanced by the learned counsel for the petitioners.
6. Accordingly, it is directed that the petitioners shall be released on bail by the Arresting Officer in the event of their arrest in the G.R. Case No.272 of 2024 arising out of the Mathabanga P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that the petitioners shall cooperate in the investigation as and when required. The petitioners shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order. Petitioners are directed to appear before the IO once in a week on the day and time fixed by

the IO for the purpose of investigation till submission of the charge-sheet.

7. Accordingly, the prayer for the anticipatory bail is allowed.
8. Within 15 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
9. The application being CRM(A) 472 of 2024 is disposed of.
10. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Partha Sarathi Chatterjee, J.)