

24.01.2024
(D/L 98)
Ct. No.1
(Allowed)
(SKB)

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

C.R.M.(A) 1032 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Pundibari P. S. Case No.429 dated 29.06.2023 under Sections 498A/302/109/34 of the Indian Penal Code read with Sections 3 & 4 of the D.P. Act (G.R. No. 1171 of 2023).

In the matter of : Bhabesh Sarkar and others
... Petitioners

Ms. Sibangi Chattopadhyay,
Mr. Deborshi Dhar
... for the petitioners

Mr. Aditi Shankar Chakraborty, APP
Mr. Tapan Bhattcharhee,
Mr. Chattu Roy
... for the State

1. Heard learned Counsel for the parties.
2. The petitioner no.1 is the brother-in-law and the petitioner nos.2 and 3 are the parents-in-law of the deceased wife. Though the case has been started under Sections 498A/302/109/34 IPC along with Sections 3 and 4 of the D.P. Act but the post-mortem report of the victim and the statements of the witnesses as recorded under Section 161 Cr.P.C. are indicative of suicidal death of the deceased.
3. Admittedly, from the materials on record, we find there are allegations as against the present petitioners regarding physical and mental torture for additional

demand of dowry but those appear to be omnibus in nature at least *prima facie*.

4. The occurrence of death took place after 13 years of marriage.
5. Regard being had to such facts and submission, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the G.R. No.1171 of 2023 arising out of the aforesaid 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:
 - i) The petitioner nos.1 and 2 are directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form,
 - ii) Petitioner no.3 being a lady is directed to appear before the IO for the purpose of investigation as and when required from sunrise to sunset.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. Within 21 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.

8. The applications being CRM(A) 1032 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)