

24.01.2024
(D/L 99)
Ct. No.1
(Allowed)
(SKB)

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

C.R.M.(A) 1033 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 : Krishna Sarkar

... Petitioner

Ms. Sibangi Chattopadhyay,
Mr. Deborshi Dhar

... for the petitioner

Mr. Aditi Shankar Chakraborty, APP
Mr. Tapan Bhattcharhee,
Mr. Chattu Roy

... for the State

1. Heard learned Counsel for the parties.
2. The petitioner is the husband 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 petitioner regarding physical and mental torture for additional demand of dowry but those appears 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 petitioner, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his 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 is 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.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
8. The applications being CRM(A) 1033 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.)