

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

26.08.2019
tkm/ct 1
sl no. 15

C.R.M. 610 of 2019

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 24.7.2019 in connection with Bhaktinagar P.S case no. 717 of 2017 dated 23.7.2017 under section 498A of the IPC read with section 3/4 of the DP Act and adding section 304B of the IPC

And

Allowed

In Re : Piya Ali @ Md. Peyrul & Ors. petitioners

Mr. Sudip Guha

..... for the petitioners

Mr. S. Chatterjee

Mr. B. Roy

..... for the State

It is submitted on behalf of the petitioners that they are the in-laws of the victim housewife and they have been falsely implicated in the instant case. The victim suffered head injury due to accident and subsequently expired.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the victim was assaulted and as a consequences died after two months.

We have considered the materials on record including the statement of the victim recorded under section 161 Cr.P.C. Apart from general and omnibus nature of allegations there is no specific overt act attributed to the petitioners who are the in-laws of the victim.

Under such circumstances and keeping in mind the facts and circumstances of the case and the extent of complicity of the petitioners in the alleged crime, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 610 of 2019 is disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)