

13.01.2020  
tkm/ct 28  
sl no. 16

**C.R.M. 171 of 2020**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 6.1.2020 in connection with New Jalpaiguri P.S Case no. 600 of 2019 dated 21.7.2019 under sections 302/34 of the IPC

And

**Allowed**

In Re : Jiten Barman & Ors.

..... petitioners

Mr. S Guha

..... for the petitioners

Mr. Sudip Ghosh

Mr. B. Banerjee

..... for the State

Heard the learned advocates appearing for the respective parties.

It is submitted on behalf of the petitioners that they are not the principal accused. Principal accused has been enlarged on regular bail.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the wife of the deceased administered poison to him. Petitioners had aided and abetted the principal accused.

We have considered materials on record. We note that the petitioners are the in-laws of the deceased and not the principal accused. Principal accused has been enlarged on regular bail.

In view of the aforesaid facts and circumstances of the case, we are of the opinion custodial interrogation of the petitioners for progress of investigation is not necessary and they may be granted anticipatory bail.

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, to the satisfaction of the Arresting Officer and also be 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 171 of 2020 is disposed of.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**