

37. 11.08.2021
Ct.32
Tanmoy

C.R.M. 2123 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **24/02/2021** in connection with **Karimpur Police Station Case No. 243 of 2020** dated **11/10/2020** under Sections **302/120B/201/34** of the Indian Penal Code.

And

In the matter of: - **Sukchand Sk & Ors.**

....petitioners.

Mrs. Karabi Roy

...for the petitioners (thorough V.C.)

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. A. Bhattacharyya

...for the State.

The allegations are serious. Charges are under Sections 302/120B/201/34 of the Indian Penal Code.

The petitioners say that the husband of the victim has been granted bail by the Juvenile Justice Board since the husband is a juvenile. The petitioners are not connected with the alleged offence. They should be granted anticipatory bail.

We have seen the material in the Case Diary. There are statements of witnesses recorded under Sections 161/164 of the Code of Criminal Procedure implicating the present petitioners.

Having considered the facts and circumstances of the case and the material on record, we are of the view that the petitioner nos.1 and 2 may not be granted anticipatory bail.

However, given the *prima facie* complicity of the petitioner no.3, who is the mother-in-law of the victim and is over 60 years of age, we are inclined to allow her prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner no.3, namely, **Kinarun Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioner no.3 fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application being C.R.M. 2123 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)