

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

**CRM 50 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Rajganj Police Station Case No.136 of 2020 dated 04.09.2020 under Sections 498(A)/304B/302/34 of the Indian Penal Code, 1860.

And

In the matter of: Mahadeb Bala and others

.... Petitioners

Mr. S. Talukdar

... For the Petitioners

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee.

... For the State

Ms. Jeenia Rudra,
Mr. Anirban Banerjee.

...for the de facto complainant.

It is fairly submitted by learned counsel for the petitioners that the petitioner no.1 has already been arrested.

As such, the prayer for anticipatory bail as against the petitioner no.1 has become infructuous and the same is not pressed.

However, it is submitted that the husband of the victim was arrested and substantially enlarged on bail. It appears that the allegations against the present petitioner nos.2 to 5 are on an equal footing with that of the husband, as reflected from the relevant materials, including the statements under Section 161 of the Code of Criminal Procedure.

As such, we are of the opinion that the petitioner nos.2 to 5 are entitled to the benefit of anticipatory bail. Thus, the application for

anticipatory bail is allowed insofar as petitioner nos. 2 to 5 are concerned, on the following conditions:

The petitioner nos.2 to 5, in the event of arrest, shall be granted bail on furnishing security of Rs.10,000/-each with two sureties of like amount for each of the petitioner nos.2 to 5 to the satisfaction of the court.

The petitioner nos.2 to 5 shall also comply with the conditions as stipulated in Section 438 (2) of the Code of Criminal Procedure and make themselves available for being interrogated by the Investigating Officer whenever required to do so.

The application for anticipatory bail, being CRM 50 of 2021, is partially allowed accordingly.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)