

20.04.2021

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AN/ Ct. No. 4

Circuit Bench of Calcutta High Court at Jalpaiguri

C.R.M. 268 of 2021

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 25/2021 dated 19.01.2021 for offences punishable under sections 306/34 of the Indian Penal Code, 1860 arising out of G.R. Case No. 288/2021.

And

In the matter of : **Prollhad Mondal & anr.**

... Petitioner.

Mr. Jaydeep Kanta Bhowmick

... for the Petitioner.

Mr. Nilay Chakraborty

Mr. Aniruddha Biswas

... for the State.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of **Prollhad Mondal** is taken up for hearing and order.

It is submitted on behalf of the petitioners that they are the elder brother and his wife of the victim and there is no material on record available under Section 306 of the Indian Penal Code against the petitioners.

The State opposes the prayer for anticipatory bail and refers to the case diary.

It appears that the petitioners are the elder brother and his wife of the victim and there is no prima facie material on record under Section 306 of the Indian Penal Code against the petitioners.

Having considered the materials available on record in the case diary, we are inclined to hold that custodial interrogation of the petitioners is not required and the petitioners may be granted anticipatory bail.

Accordingly, we direct that in event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of like amount 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.

The application for anticipatory bail is, accordingly, **allowed**.

CRM 268 of 2021 is disposed of.

(**Arindam Sinha, J.**)

(**Suvra Ghosh, J.**)