

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

20.09.2021
Court No.01
Item No.73
Avijit Mitra

**CRM 273 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re: Afsana Parveen @ Afsana Parvin Sarkar

...Petitioner

Mr. Sudip Guha

...For the Petitioners

Mr. Niloy Chakraborty,
Ms. Namrata Das

...For the State

Apprehending arrest in connection with Matigara Police Station Case No.1172 of 2020 dated 18.11.2020 under sections 498A/304B/34 of the Indian Penal Code the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner submits that the petitioner is a neighbour of the victim lady. She is a student of nursing and she has been falsely implicated. The principal accused being the husband of the victim lady had already been enlarged on bail by the learned Court below. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statement of the witnesses as recorded under 164 of the Code of Criminal Procedure and he further submits that the investigation is still in progress.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations, the statement of the witnesses as recorded under Section 164 of the Code, the extent of complicity of the petitioner in the alleged offence and as the principal accused has already been enlarged on bail, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the present case and her prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Afsana Parveen @ Afsana Parvin Sarkar** shall be released on anticipatory 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further conditions that the petitioner shall cooperate in the investigation and meet with the investigating officer as and when called for.

Accordingly, the application being C.R.M. No.273 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)