

SL. 14
March 25, 2021.
AKG

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

C.R.M. 345 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on March 11, 2021 in connection with Malbazar Police Station Case No. 89 of 2021 dated February 22, 2021 under sections 498A/306 of the Indian Penal Code.

And

Allowed

In Re : Bishnulal Sharma & Ors.

... petitioner.

Mr. Jaydeep Kanta Bhowmik

... for the petitioner.

Mr. Ujjwal Luksom,
Mr. Namrata Das.

... for the State.

Learned counsel for the petitioners submits that the alleged offences occurred after 12 years of marriage between the victim and her husband. The petitioners are the victim's in-laws. It is submitted that two of the petitioners, being petitioner nos. 2 and 3 reside elsewhere, that is, at Kalimpong, while the petitioner no. 1, who resides in the same premises, is 74 years old and the family is running on his pension.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that the investigation is still at a nascent stage and the petitioners are absconding.

However, it appears from the materials as available in the case diary that there is sufficient scope of benefit of doubt being given to the petitioner for the purpose of granting anticipatory bail.

Accordingly, CRM 345 of 2021 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the stipulations of Section 438 (2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- for each of the petitioners with one surety for each of the petitioners who must be a resident of Jalpaiguri, to the satisfaction of the arresting officer and on further condition that the petitioner shall meet the Investigating Officer once in every month till the charge sheet is filed.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)