

19.06.2021
Item No. 04
(Allowed)
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**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. No. 653 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Siliguri Women Police Station Case No. 21 of 2021 dated 16.02.2021 (G.R. Case No. 540 of 2021) under Sections 498A/307/323/506/34 of the India Penal Code;
And

In the matter of : **Shaikh Anvar @ Anwar Seik
@ Pappu and others.**

... Petitioners.

Mr. Joydeep Kanta Bhowmik.

... For the petitioner.

Mr. Aniruddha Biswas,
Mr. Ujjal Luksom.

...For the State.

The Advocate-on-record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Siliguri Women Police Station Case No. 21 of 2021 under Sections 498A/307/ 323/ 506/ 34 of the India Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Learned Advocate for the petitioners submits that the petitioners are the in-laws members having had no contribution to perpetrate the cruelty, said to be caused upon

the victim. It is also submitted that the entire allegation is directed against the husband and the present petitioners are not in any way connected with the alleged incident.

Mr. Aniduddha Biswas, learned Advocate, representing the State is fair enough to submit that only medical evidence available on the person of victim is bluish mark, which may be evidence of strangulation, but it is simple in nature. However, statements are there to support the prosecution, Mr. Biswas submits.

Having considered the submissions of both sides and bearing in mind the omnibus allegations raised against the petitioners together with the extent of injury suffered by the victim, we are of the view that custodial interrogation is not needed. More so, injury suffered by victim would not attract ingredients of offence under Section 307 I.P.C., attributable against petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, 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 and on further condition that the petitioners shall make themselves available as and when required by the concerned arresting officer and shall co-operate with the investigating officer.

Since the petitioner nos. 1 to 4 are submitted to be the residents of Surat, Gujrat, they are at liberty to take part in the investigation through virtual mode, unless their physical

presence is very much required under compelling circumstances.

The investigating officer of the case is, accordingly, directed to make use of virtual mode in all fairness of the investigation so far as the petitioner nos. 1 to 4 are concerned.

This application for anticipatory bail is, thus, **allowed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)