

01.07.2021

Court No.28
Item No. JB-07
sandy/adas

(antibail - granted)

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

(Via Video Conference)

CRM 689 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jalpaiguri Kotawali Police Station Case No. 155 of 2021, dated 24.03.2021 under Sections 498A/302/34 of the Indian Penal Code (G.R. Case No. 1387 of 2021);
and

In the matter of : **Sukhbir Singh @ Sukhabir Singh.**

.....Petitioner

Mr. Hillol Saha Poddar, Advocate

.....for the Petitioner

Mr. Aditi Sankar Chakraborty, learned A.P.P.

Mr. Sourav Ganguly, Advocate

.....for the State

Mr. Anirban Banerjee, Advocate

Mr. Debasis Mukhopadhyay, Advocate

.....for the de facto complainant

The Advocate-on-record of the petitioner 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 Jalpaiguri Kotawali Police Station Case No. 155 of 2021 under Sections 498A/302/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

Learned Advocate for the petitioner submits that the petitioner is the brother of sister-in-law (Boudi) and he resides ordinarily in Uttar Pradesh. It is thus submitted that the petitioner had no occasion to perpetrate cruelty upon the deceased victim and become an active member of conspiracy so as to cause death of the deceased. According to the petitioner, the husband of the deceased is the principal accused, who is in custody.

Drawing our attention to an order dated June 11, 2021 passed in CRM 637 of 2021, learned Advocate for the petitioner claims parity by submitting further that the petitioner is similarly circumstanced, and he should be favoured with pre-arrest bail.

Learned Advocate for the State submits that investigation has already been ended in charge sheet and the petitioner has been booked in this case with an allegation of having committed offence punishable under Section 498A of the Indian Penal Code; charge sheet under Section 302 of the Indian Penal Code is thus omitted as against the present petitioner.

Having regard to the submissions of both sides and bearing in mind that charge sheet has already been submitted making out a case under Section 498A of the Indian Penal Code as against the present accused, and further that co-accused persons, namely Promod Kumar and another were favoured with anticipatory bail by this Court in connection with CRM 637 of 2021, we are not inclined to reject the prayer for anticipatory bail making any discrimination therefrom.

The prayer of anticipatory bail is **allowed**.

Accordingly, in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.5,000/- (Rupees Five Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station and on further condition that the petitioner shall make himself available as and when required by the Investigating Officer as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being **CRM 689 of 2021** is thus **Disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)

