

08.07.2021

Court No.28
Item No.10
(ALLOWED)

Saswata
&
ab

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

(Via Video Conference)

CRM 703 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Haldibari Police Station Case No. 164 of 2020 dated 18.12.2020 under Sections 498A/326/307 and adding Section 302 of the Indian Penal Code (G.R.Case No. 608 of 2020).

And

In the matter of : **Bakul Md.**

...Petitioner

Mr. Joydeep Kanta Bhowmik

...For the Petitioner

Mr. Aditi Sankar Chakraborty, Ld. APP

Mr. Biswarup Roy.

...For the State.

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 Haldibari Police Station Case No. 164 of 2020 under Sections 498A/326/307 and adding Section 302 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The petitioner is the brother-in-law of the deceased lady and apprehending arrest in connection with the above-mentioned case. It appears that another brother-in-law, who was, in fact, arrested in connection with the aforesaid case was enlarged on bail by this Bench on 23rd June, 2021 in CRM 656 of 2021.

Learned Advocate for the State opposes the prayer for anticipatory bail and fairly submits that the name of the petitioner does not appear in the dying declaration. However, he sought to make a distinction that the other brother-in-law got regular bail and the

present petitioner is seeking anticipatory bail. Once the another brother-in-law, who stands on the same footing with that of the present petitioner has been enlarged on bail, as the names were not revealed in the dying declaration, we do not see any justification in custodial interrogation of the present petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on 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 and on further condition that the petitioner shall make himself available as and when required by the concerned arresting officer and shall co-operate with the investigating officer.

CRM 703 of 2021 is, thus, ***allowed***.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)