

06. 11.08.2021

Ct.32

Tanmoy

Allowed

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

(Through Video Conference)

C.R.M. 745 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **14/07/2021** in connection with **Sahebganj Police Station Case No. 538 of 2016** dated **14/06/2016** under Sections **498(A)/325** of the Indian Penal Code. Charge-sheet submitted under Sections **498(A)/307**

And

In the matter of: - **Amal Barman & Anr.**

....petitioners.

Mr. Sudip Guha

...for the petitioners (through V.C.)

Mr. Kallol Acharjee,
Ms. Namrata Das

...for the State (through V.C.)

The petitioners undertake to affirm and stamp the petition as per Rules within a week from date of passing of this Order. Subject to such undertaking, the application is taken up for hearing through video conference.

The petitioners submit that they are the husband and mother-in-law of the victim. The F.I.R. was lodged after a delay of about three months. Other co-accused persons are on bail. Charge-sheet has been submitted. The petitioners have been falsely implicated.

Learned Counsel for the State opposes the prayer for anticipatory bail and refers to the statements of witnesses as well as the injury report of the victim. He further submits that the victim was admitted to the hospital by her parents three days after the incident.

We have considered the material in the Case Diary including the statements of the witnesses and injury report of the victim. Charge-sheet has been submitted upon completion of investigation. There is inordinate delay in filing the F.I.R. Having considered the material available in the Case Diary as well as the nature of allegations against the petitioners and also, as charge-sheet has been submitted, we are inclined to hold that immediate custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail so long as they co-operate with further investigation, if any, subject to stringent conditions.

Accordingly, 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, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioner no.1, the husband of the victim, shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 745 of 2021 is, thus, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)