

12. 13.08.2021

Ct.32

Tanmoy

Allowed

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

(Through Video Conference)

C.R.M. 771 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **22/07/2021** in connection with **Phansidewa Police Station Case No. 274 of 2021** dated **19/06/2021** under Sections **498A/306** of the Indian Penal Code.

And

In the matter of: - **Farija Khatun @ Farida Khatun**
....petitioner.

Mr. Hillol Saha Podder
...for the petitioner (through V.C.).

Mr. Arun Sarkar,
Mr. Tapan Bhattacharjee
...for the State (through V.C.)

The petitioner is the first wife of the principal accused, namely, Md. Helal. The petitioner says that the principal accused left the petitioner and got married to the second wife, who is the victim in this case. It is submitted that the victim committed suicide. There is no suicide note. There is nothing to connect the petitioner with the alleged crime.

Learned Counsel for the State submits that investigation is in progress. The victim's sister has alleged that the petitioner is involved in the alleged crime.

We have considered the facts and circumstances of the case and the nature and seriousness of the charge. Considering

the extent of possible complicity of the petitioner in the alleged offence and also in view of the fact that the principal accused is in judicial custody, although charge-sheet has not yet been submitted, we are of the view that the petitioner's prayer for anticipatory bail may be allowed so long as she fully co-operates with the Investigating Officer.

Accordingly, 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioner fails 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. 771 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.)