

24.09.2021
Court No.01
Item No. 06
Partly Allowed
Krishnendu

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

**C.R.M. 831 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In Re : **Shanta Barman @ Shanta Mandal & Anr.**

Petitioners

Mr. Hillol Saha Podder

For the Petitioners

Mr. Aditi Shankar Chakraborty, Id. A.P.P.

Mr. Biswarup Roy

For the State

Apprehending arrest in connection with Mathabhanga Police Station Case No. 62 of 2019 dated 14.02.2019 under sections 498A/302 of the Indian Penal Code, 1860, the petitioners have filed the present application.

On the prayer of Mr. Saha Podder, learned advocate appearing for the petitioners, the present application, so far as the petitioner no.

1, namely, **Shanta Barman @ Shanta Mandal**, is concerned, is **dismissed** as '**not pressed**'.

He submits that the petitioner no. 2 has been falsely implicated. No overt act has been attributed to her. She had no involvement in the alleged incident. In the said conspectus, custodial interrogation of the petitioner no. 2 is not warranted.

Mr. Roy, learned advocate appearing for the State, opposes the prayer of the petitioner no. 2 and draws our attention to several documents in the case diary, including the statements of the witnesses recorded under section 161 of the Code of Criminal Procedure. He further submits that investigation is still in progress and custodial interrogation of the petitioner no. 2 is necessary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioner no. 2 in the alleged offence, we are of the opinion that her custodial interrogation is not necessary, more so when she is a lady and there is no likelihood that she would flee from justice.

Accordingly, we direct that in the event of arrest, the petitioner no. 2, **Sujita Barman**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being C.R.M. No. 831 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J)

(Tapabrata Chakraborty, J)