

14.12.2021
SL No.26
Court No.1
AJ

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1026 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Birpara Police Station Case No.142 of 2021 dated 30.08.2021 under Sections 498A/307 of the Indian Penal Code, 1860.

And

In the matter of : **Silash Chik Baraik @ Srilal @ Silas & Anr.**
... .petitioners.

Mr. Arnab Saha.
... For the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Biswarup Roy.
... For the State.

The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated. The petitioner no.1 is the husband of the de-facto complainant and the petitioner no.2 is the mother-in-law of the de-facto complainant. It is alleged that the complaint was lodged after twenty years of marriage.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Having considered the materials available on record and bearing in mind the extent of involvement of the petitioners in the commission of the alleged offence and also having regard to the

fact that there is no injury report, we are of the opinion that the custodial interrogation of the petitioners are not required.

As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Silash Chik Baraik @ Srilal @ Silas** and **Sumitra Chik Baraik** shall be released on anticipatory 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on a further condition that the petitioner no.1 shall meet the Investigating Officer for a fortnight until the charge sheet is filed and the petitioner no.2 shall co-operate with the Investigating Officer as and when required.

The application for anticipatory bail, being CRM No.1026 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.

(Biswajit Basu, J.)

(Soumen Sen, J.)