

17.12.2021
SL No.10
Court No.1
AJ/SM

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

**CRM 1045 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 Dhupguri Police Station Case No.291 of 2020 dated 16.08.2020 under Sections 306/34 of the Indian Penal Code, 1860.

And

In the matter of : **Badal Sarkar & Ors.**

... .petitioners.

Ms. Jeenia Rudra.

... For the Petitioners.

Mr. Abhijit Roy,

Mr. Tapan Bhattacharjee.

... For the State.

The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated. It is, however, fairly submits that the petitioner no.4 was in love relationship with the deceased son of the de-facto complainant.

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 nature of involvement of the petitioners in the commission of alleged offence, we are of the view that the custodial interrogation of the petitioners is not necessary.

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

Accordingly, we direct that in the event of arrest the petitioners, namely, **Badal Sarkar, Malati Sarkar, Meghna Sarkar** and **Manika Sarkar** 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 with further condition that the petitioner no.1 shall meet with the Investigating Officer of the case once in a week until further orders and the petitioner nos. 2 to 4 shall co-operate with the Investigating Officer of the case.

The application for anticipatory bail, being CRM No.1045 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.)