

20.12.2021
SL No.29
Court No.1
(gc)

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

**CRM 1058 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 Haldibari Police Station Case No.05 of 2021 dated 10.01.2021 under Sections 498A/304(B) of the Indian Penal Code.

And

In the matter of : **Hasanul Haque @ Hasan Ali & Anr.**

- Petitioners.

Ms. Jeenia Rudra,
Ms. Madhushri Dutta,
... For the Petitioners.

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee,
... For the State

The learned Counsel for the petitioners submits that the petitioners are the brother-in-law and sister-in-law of the deceased victim. The learned Counsel for the petitioners also submits that the principal accused, namely, husband, has been granted bail subsequent to 21st September, 2021 when the application for anticipatory bail by the father-in-law, mother-in-law and brother-in-law of the victim lady was rejected by a Coordinate Bench. It is further submitted that the petitioners are innocent and have been falsely implicated in this case.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that subsequent to the

order dated 21st September, 2021, the husband was granted bail and the charge-sheet was filed earlier on 21st September, 2021 but inadvertently it was not brought to the notice of the Coordinate Bench.

Having regard to the fact that the husband has already been granted bail and the charge-sheet has already been filed and also having regard to the nature and extent of complicity of the petitioners in the commission of alleged offence, we are inclined to grant anticipatory bail to the petitioners. The prayer for anticipatory bail is, thus, allowed.

Accordingly, we direct that 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that the petitioners shall not leave the jurisdiction without the prior permission of the Additional Chief Judicial Magistrate, Mekhliganj, Coochbehar.

This order shall remain valid for six weeks from this date within which time, the petitioners shall surrender and obtain regular bail from the Trial Court. We make it clear that the Trial Court while deciding the application for grant of regular bail shall take a decision independent of the observations made by us in this order.

The application for anticipatory bail, being CRM No.1058 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.)