

17.12.2021
SL No.14
Court No.1
(gc)

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

**CRM 1071 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 Bhaktinagar Police Station Case No.201 of 2021 dated 24/02/2021 under Sections 498A/302/34 of the Indian Penal Code.

And

In the matter of : **Nilam Devi & Anr.**

- Petitioners.

Mr. Satyaki Basu,
... For the Petitioners.

Mr. Ujjwal Luksom,
Mr. Saikat Chatterjee,
... For the State

The learned Counsel appearing on behalf of the petitioners has submitted that the petitioner No.1 is the mother-in-law and the petitioner No.2 is the sister-in-law of the deceased victim and they are innocent and other co-accused persons including principal accused are presently on bail.

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

Having regard to the materials available with the case diary and bearing in mind the nature and extent of complicity of the petitioners in the commission of alleged offence and also having regard to the fact that all other co-accused persons and the

principal accused are presently on bail and the charge-sheet has already been filed, we are of the opinion that the custodial interrogation of the petitioners is not necessary. Accordingly, 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.

The application for anticipatory bail, being CRM No.1071 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.)