

17.12.2021
SL No.16
Court No.1
(gc)

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

**CRM 1077 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 New Cooch Behar (NCBR) GRPS Police Station Case No.08 of 2021 dated 21/08/2021 under Sections 306/506 of the Indian Penal Code.

And

In the matter of : **Sahajahan Ali**

- Petitioner.

Mr. Kallol Mondal,
Mr. Sudip Guha,

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Aniruddha Biswas,

... For the State

The learned Counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated. It is submitted that due to matrimonial dispute the husband of the victim and her child might have committed suicide. It is further submitted that the petitioner is a member of the Gram Panchayat and has been falsely implicated by the Pradhan of the said Gram Panchayat out of political rivalry.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail. Our attention is drawn to the statements of independent witnesses recorded under Section 161 of the Cr.P.C. to emphasize that there has been a continuous

mental harassment and torture on the deceased husband of the defacto complainant.

Having regard to the materials available on record and the nature and extent of complicity of the petitioner in the commission of alleged offence and the post-mortem report, we are of the opinion that the custodial interrogation of the petitioner is not required. Accordingly, we are inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory bail is, thus, allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sahajahan Ali**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall meet the I.O. of the case twice in a week until further orders and shall not leave the jurisdiction without the express leave of the Court of Additional Chief Judicial Magistrate, Dinhata.

The application for anticipatory bail, being CRM No.1077 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.)