

14.12.2021
Court No.01
Item No. 44
Allowed
sg

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**CRM 1104 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Maynaguri Police Station Case No. 509 of 2021 dated 19.10.2021 under Sections 498A/304/34 of the Indian Penal Code.
And

In Re: **Alen Roy & Ors.**

Petitioners

Ms. Madhushri Dutta

For the Petitioners

Mr. Arun Kumar Sarkar

Mr. Ujjwal Luksom

Mr. Tapan Bhattacharjee

For the State

The petitioner is no.1 is the father-in-law, petitioner no.2 is the mother-in-law, petitioner no.3 is the brother-in-law and petitioner no.4 is the wife of the brother-in-law of the victim.

The learned Counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case. Moreover, the husband of the victim was granted regular bail by the learned trial court.

The learned Counsel for the State opposes the prayer for anticipatory bail and has referred to the statements of some of the witnesses recorded under Section 161 of the Code of Criminal Procedure to demonstrate that the victim was subjected to torture both mentally and physically.

Having regard to the materials available in the case diary and the nature and extent of involvement of the petitioners in the commission of the alleged offence and also having regard to the fact that the co-accused person being the husband of the victim has already been granted regular bail by the learned trial

court and considering the medical report produced before us which shows that the cause of death was anti-mortem suicidal in nature, we are inclined to grant anticipatory bail to the petitioners.

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 with further condition that the petitioner nos. 1, 3 and 4 shall meet the investigating officer once a week until further orders.

The prayer for anticipatory bail is allowed and CRM 1104 of 2021 is accordingly, 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)