

14.12.2021  
SL No.53  
Court No.1  
(gc)

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

**CRM 1121 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 Mathabhanga Police Station Case No.610/21 dated 29.09.21 under Sections 498A/307/506/34 of the Indian Penal Code.

And

In the matter of : **Bidya Barman**

- Petitioner.

Mr. Subhasish Misra,  
Mr. Swarup Das,

... For the Petitioners.

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

The learned Counsel for the petitioner submits that the victim had suppressed her earlier marriage and has falsely implicated the petitioner. It is submitted that the petitioner is innocent and has been falsely implicated and a concocted story has been made out by the petitioner in the FIR.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and produces a copy of the statement recorded under Section 164 of the Criminal Procedure Code of the victim and submits that the said statement has implicated the father-in-law and mother-in-law and the present petitioner.

However, it has been fairly submitted that the father-in-law and mother-in-law were granted anticipatory bail.

Having regard to the materials available on record and the nature and extent of involvement of the petitioner in the commission of alleged offence and also having regard to the fact that the father-in-law and mother-in-law who are also named in the statement recorded under Section 164 of the Code of Criminal Procedure were all granted anticipatory bail, we are of the opinion that the custodial interrogation of the petitioner is not necessary. 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, **Bidya Barman**, shall be released on bail upon furnishing a bond of Rs.3,000/-, 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:-

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required;
- 2) That the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- 3) That the petitioner shall not leave the jurisdiction of this Court without the permission of the concerned Court.

The application for anticipatory bail, being CRM No.1121 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.)**