

23.12.2021
SL No.27
Court No.1
PJ/SK
(Allowed)

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

**CRM 1250 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 Alipurduar Women Police Station Case No. 88 of 2021 dated 12.08.2021 under Sections 498A/304B of the Indian Penal Code.

And

In the matter of : **Nityananda Ray & Anr.**

- Petitioners.

Mr. Sourav Ganguly
Mr. Kallol Nag

... For the Petitioners.

Mr. Saitakt Chatterjee,
Mr. Tapan Bhattacharjee,
Ms. Namrata Das

... For the State.

The petitioner no. 1 is the father-in-law and the petitioner no. 2 is the mother-in-law of the victim.

The learned Counsel for the petitioners submits that the petitioners are innocent and the husband of the victim has been enlarged on bail.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and refers to the Post Mortem Report and also the statement of the de facto complainant recorded under Section 164 CrPC alleging that the victim was tortured and killed by her in-laws by throttling her throat.

Having considered the materials available in the Case Diary and the nature of involvement of the petitioners in the commission of the alleged offence and also having regard to the fact that the

husband of the victim is on bail, we are of the view that custodial interrogation of the petitioners is not required.

Under such circumstances, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, **Nityananda Ray and Pratima Ray** 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 on condition that the petitioner no. 1 shall meet the investigating officer once a week, until further orders and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order shall remain valid for six weeks from this date within which time, the petitioners shall surrender and obtain regular bail from the Learned Trial Judge. We make it clear that the Learned Trial Judge 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.1250 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.)