

24.12.2021
Court No.01
Item No. 15

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

sg

**CRM 1289 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No. 470 of 2020 dated 29.10.2020 under Sections 498A/326/307/34 of the Indian Penal Code and added Section 302 of the IPC.

And

In Re: **Belal Hossain Mallik & Ors.**

Petitioners

Mr. Jaydeep Kanta Bhowmik

For the Petitioners

Mr. Kallol Acharjee
Mr. Tapan Bhattacharjee

For the State

The learned Counsel for the petitioners submits that the petitioners are the in-laws of the deceased and have been falsely implicated in the instant case. It is further submitted that after 15 years of marriage a false complaint has been lodged.

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

Having considered the materials available on record and the statement of the child witness recorded under Section 161 of the Code of Criminal Procedure implicating the petitioners, we are not inclined to grant anticipatory bail to the petitioners. However, considering the fact that the husband of the victim was granted statutory bail, we direct the petitioners to surrender before the learned

Trial Court within a period of three weeks from date. Till such time, the petitioners may not be arrested provided they cooperate with the investigation.

The learned Trial Judge shall decide the application for bail in accordance with law uninfluenced by any observation made by us.

The application for anticipatory bail of the petitioners is rejected. CRM 1289 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)