

13.01.2022
Item no.10.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

(Via Video Conference)

CRM (A) No. 42 of 2022

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Ghoksadanga Police Station Case No.294 of 2021 Dated 20.08.2021 under Sections 306/34 of the Indian Penal Code.

And

In the matter of: Tanjina Parvin & Others.

.....Petitioners.

Mr. Sabir Ahmed,
Mr. Hillol Saha Podderfor the Petitioners.

Mr. Ujjal Luksom,
Mr. Tapan Bhattachrjeefor the State.

The allegation is that the husband of the petitioner no.1 committed suicide and was prompted to do so by the regular torture that he was subjected to by the petitioner no.1 being his wife and the petitioner nos. 2 and 3 being his parents-in-law.

We have seen the material in the case diary including the statements of neighbours recorded under Section 161 of the Code of Criminal Procedure. There are general allegations that the victim was subjected to torture. However, prima facie we do not find any such material as would prompt us to take the view that there was abetment on the part of the petitioners so far as the victim's suicide is concerned. The petitioners say that they

are prepared to fully co-operate with the Investigating Officer, as investigation is in progress.

On an overall consideration of the facts and circumstances of the case, nature of the allegations and the possible extent of complicity of the petitioners in the alleged offence, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Tanjina Parvin, Chhamicha Bibi @ Chhajichha Bibi @ Chhabicha Bibi and Tafajjal Miya @ Tafajjal Miah** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that petitioner no. 3 shall report to the Investigating Officer of the concerned police station once in a fortnight until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 42 of 2022 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)