

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL APPELLATE JURISDICTION**

05.09.2022
Sl. No. 14
k.b. /b.r.
Crt.1
granted

CRM(A) 395 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Malbazar P.S. Case No. 302 of 2022 dated 17.04.2022 under Sections 498A/304B/306/34 of the Indian Penal Code.

And

In the matter of: **Jharna Sarkar @ Jharna Bapari**

....Petitioner.

Mr. Satarudriya Mukherjee
Mr. Debjit Kundu

...for the Petitioner

Mr. Aditi Sankar Chakraborti, Ld. APP
Mr. Aniruddha Biswas

.....for the State.

This is an application under Section 438 of the Code of Criminal Procedure for grant of Anticipatory Bail in connection with Malbazar P.S. Case No. 302 of 2022 dated 17.04.2022 under Sections 498A/304B/306/34 of the Indian Penal Code.

Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case as the petitioner is not residing in the house where the victim was residing.

The petitioner further submits that the principal accused has been granted bail by the Learned Court of Sessions Judge, Jalpaiguri on 15th June, 2022 with certain conditions and there is no allegation that

Pradip Bapari has violated the terms and conditions as directed by the learned Sessions Judge, Jalpaiguri.

Learned Counsel for the petitioner further submits that the petitioner is a lady and her custodial detention is not required and the petitioner will appear before the Investigating Officer as and when required and will appear before the learned Court below during the trial.

Learned Counsel for the State strongly opposes the prayer made by the petitioner and submits that since the date of registration of the instant case the petitioner is absconding and avoiding arrest. The Investigating Officer has taken appropriate steps to arrest the petitioner by conducting raid, but the police could not arrest the petitioner and the petitioner is absconding for the last several months.

Learned Counsel for the State further submits that that the custodial detention is necessary for further investigating in this case.

Heard the respective parties.

Perused the Case Diary and the materials on record.

This Court finds that Shri Pradip Bapari, is the husband of the victim has been granted bail by the Learned Court of Sessions Judge, Jalpaiguri on 15.06.2022.

It is further found that the petitioner was not residing at the address where the victim had committed suicide.

We are satisfied that the custodial interrogation of the petitioner is not required.

In view of the above, the petitioner is granted anticipatory bail by furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand only) with a local surety of like amount with the satisfaction of Ld. Court of

C.J.M., Jalpaiguri subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall not intimidate the witnesses nor shall hamper or tamper with the evidence.

CRM (A) 395 of 2022 is disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Krishna Rao J.)

(Subrata Talukdar, J.)