

26.04.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 1766 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Patiram** Police Station Case No. **3** of **2023** dated **03.01.2023** under Sections **498A/302/109** of the Indian Penal Code, corresponding to G.R. Case No.21 of 2023.

And

In the matter of: Babu Barman & anr.

..... petitioners

Mr. Biswajit Manna

....for the petitioners

Mr. Saswata Gopal Mukherji, Ld. P.P.

Mr. Partha Pratim Das,

Ms. Eshita Dutta

....for the State

Police filed charge-sheet.

There is an oral dying declaration made by the victim implicating her husband in the murder.

Apparently, neighbours statement also implicates the husband. The husband is in custody.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the

petitioners shall appear on every date before the jurisdictional court on and from the date fixed for appearance of the accused and in default the jurisdictional court will pass appropriate order to secure the presence of the petitioners in court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Rai Chattopadhyay, J.)