

AD-215
Ct No.01
Jalpaiguri
07.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 26 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 04.01.2023 in connection with Boxirhat Police Station Case No. 190 of 2022 dated 12.05.2022 under Sections 498A/302 IPC, corresponding to GR Case No. 536 of 2022.

And

In the matter of: Jharna Basak @ Jhunu Basak

.... petitioner

Mr. Subhasish Misra,
Mr. Swarup Das

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

... for the State

Learned counsel for the petitioner contends that charge-sheet has already been filed and, as such, the petitioner, who is the mother-in-law of the alleged victim, is required to be granted anticipatory bail. It is further submitted that the husband of the victim, who was one of the co-accused persons, is out on bail.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that the husband was enlarged on statutory bail.

However, it is an admitted position that the charge-sheet has already been filed. As such, we do not find any necessity for custodial trial of the petitioner at the present juncture.

Accordingly, CRM (A) 26 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall

comply with the conditions in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tufanganj.

The petitioner shall not leave the territorial jurisdiction of the trial court and shall attend on each date of trial throughout the period of trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)