

AD-188
Ct No.01
Jalpaiguri
09.02.2023
TN

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

CRM (A) 43 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.01.2023 in connection with Mal Police Station Case No. 294 of 2022 dated 13.04.2022 under Sections 363/365/34 of the IPC and adding Section 371 of the IPC and corresponding to G.R. Case No. 2073 of 2022.

And

In the matter of: Putul Begam

.... petitioner

Mr. Sudip Guha

... for the petitioner

Mr. Ujjwal Luksam,
Mr. Saikat Chatterjee

... for the State

Learned counsel for the petitioner contends that the husband of the present petitioner, a co-accused, has already been granted bail with regard to the same alleged offence. It is submitted, over and above, that the petitioner is a female person.

Learned counsel appearing for the State opposes the prayer for anticipatory bail primarily on the ground that there are antecedents operating against the present petitioner inasmuch as similar allegations were previously levelled against the petitioner and cases are pending in that regard.

However, primarily on the ground that the co-accused-husband has already been released on bail, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, CRM (A) 43 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 Chief Judicial Magistrate, Jalpaiguri.

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

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)