

AD-191
Ct No.01
Jalpaiguri
09.02.2023
TN

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

CRM (A) 46 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 Sitalkuchi Police Station Case No. 49 of 2022 dated 14.03.2022 under Sections 302/34 of the IPC, 1860.

And

In the matter of: Baidul Mia @ Obaidul Mia

.... petitioner

Mr. Arnab Saha,
Mr. Sudhindra Das

... for the petitioner

Mr. Ujjwal Luksom,
Mr. Biswarup Roy

... for the State

Learned counsel for the petitioner submits that three other co-accused persons standing on similar footing have already been enlarged on bail. That apart, the allegation against the petitioner and the others was that the petitioner called the husband of the *de facto* complainant from his house and there was an occasion of assault that ultimately led to the death of the victim after about 20 days.

It is, thus, submitted that the petitioner is entitled to anticipatory bail.

That apart, it is contended that the death certificate indicates that the immediate cause of death was cardio-respiratory arrest.

Learned counsel for the State opposes the prayer for anticipatory bail.

However, keeping in view the circumstances as narrated above, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, CRM (A) 46 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, Mathabhanga.

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.)