

09.02.2023

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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 51 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.01.2023 in connection with Kumargram Police Station Case No. 265 of 2022 dated 01.09.2022 under Sections 498A/304B/34 of the Indian Penal Code.

In the matter of : Jaymangal Adhikari @ Adhikary and another
... petitioners

Mr. Sourav Ganguly,
Ms. Esha Acharya

...for the petitioners

Mr. Saikat Chatterjee,
Mr. Chattu Roy

.....for the State.

Heard learned counsel for the parties.

At the outset, learned counsel for the petitioners submits that the petitioner no. 2 was arrested in the meantime and has been granted bail and, as such, the present application is being pressed only on behalf of the petitioner no. 1.

Learned counsel appearing for the petitioner contends that the present petitioner is about 70 years of age, being the father-in-law of the victim. The mother-in-law and the husband of the victim have already been granted bail. It is

also submitted that the petitioner was never sought to be arrested by the police.

Learned counsel appearing for the State seeks an adjournment on the ground of lack of appropriate instructions. However, learned counsel for the State opposes the prayer for anticipatory bail.

Keeping in view the mitigating circumstances, which are sufficiently strong to grant anticipatory bail to the petitioner, CRM (A) 51 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated 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.5,000/- (Rupees Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipurduar and on further condition that the petitioner shall not leave the territorial jurisdiction of the trial court and shall make himself available before the trial court as and when so required by the said court.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)