

09.02.2023

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

CRM (A) 55 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 Jalpaiguri Kotwali Police Station Case No. 315 of 2022 dated 22.05.2022 under Sections 498A/302/34 of the Indian Penal Code.

In the matter of : Anita Malakar

... petitioners

Mr. S. Mukherjee,
Ms. Oshmita Mukherjee,
Mr. Debjit Kundu

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Kallol Nag,
Mr. Arijit Chowdhury

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner seeks to point out several discrepancies in the prosecution case. It is submitted that the allegation made in the complaint against the petitioner is absurd. That apart, other co-accused persons have already been granted bail.

Learned counsel appearing for the State seriously opposes the prayer for anticipatory bail and submits that the petitioner was directly implicated in the statements given by the witnesses. That apart, the nature of allegation is

serious, inasmuch as the petitioner was allegedly responsible for administering poison to the victim lady, who ultimately died due to poisoning.

Despite keeping in mind the serious nature of the allegation, in view of the fact that other co-accused persons have already been granted bail, we do not find any reason for not granting anticipatory bail to the petitioner at the present stage, particularly since the petitioner is a lady, being the mother-in-law of the victim.

Accordingly, CRM (A) 55 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.20,000/- (Rupees Twenty Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri and on further condition that the petitioner shall not leave the territorial jurisdiction of the concerned police station and shall meet the Investigating Officer once in a fortnight.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)

