

D/L 210 & 212
February 9, 2023
MNS

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

CRM (A) 72 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 20.01.2023 in connection with Rajganj Police Station Case No. 438 of 2021 dated 26.10.2021 for the alleged offence under Sections 498A/325/379/306/506/34 of the Indian Penal Code.

And

In the matter of: Nurjahan Khatoon and others

.... Petitioners.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik

...for the petitioners.

Mr. Abhijit Sarkar,
Mr. Dhiman Sil

...for the State.

The petitioners are ladies, who are in-laws of the victim of alleged abetment of suicide.

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

Upon hearing learned counsel for the parties, we find that the marriage between the victim and her husband was 12 years old at the relevant juncture. That apart, even from the allegations levelled against the petitioners made in the statement under Section 161 of the Code of Criminal Procedure, we do not find any proximity between the alleged accusations made by the present petitioners against the victim and the alleged suicide by the victim.

As such, there is sufficient scope to grant anticipatory bail to the petitioners.

Accordingly, CRM (A) 72 of 2023 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioners shall be released on bail upon furnishing individual bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri. The sureties may be common in respect of all the petitioners. The petitioners shall not leave the territorial jurisdiction of the concerned trial court during the entire period of trial and shall attend the trial court on each and every date of trial.

With

CRM (A) 76 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 24.01.2023 in connection with New Jalpaiguri Police Station Case No. 438 of 2021 dated 26.10.2021 for the alleged offence under Sections 498A/325/379/306/506/34 of the Indian Penal Code.

And

In the matter of: Hajarat Ali and another

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik

...for the petitioners.

Mr. Abhijit Sarkar,
Mr. Dhiman Sil

...for the State.

Learned counsel for the petitioners contends that the petitioners are in-laws of the victim lady, who allegedly committed suicide.

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

However, we are not able to ascertain, from the records and the statement made under Sections 161 of the Code of Criminal Procedure, the proximity between the accusation allegedly made by the present petitioners against the victim lady and the commission of suicide. As such, sufficient ground for the purpose of grant of anticipatory bail is made out.

Accordingly, CRM (A) 76 of 2023 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioners shall be released on bail upon furnishing individual bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri. The sureties may be common in respect of all the petitioners. The petitioners shall not leave the territorial jurisdiction of the concerned trial court during the entire period of trial and shall attend the trial court on each and every date of trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)