

06.06.2023
SL No.76
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 248 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Mathabhanga Police Station Case No.130 of 2023, dated 10.03.2023 under Sections 341/323/307/493/376/506/34 of the Indian Penal Code.

And

In the matter of : **Kripasindhu Barman & Ors.**

- Petitioners.

Mr. Swarup Das

... For the Petitioners.

Mr. Saikat Chatterjee,

Mr. Chattu Roy

... For the State.

The learned Counsel for the petitioners submits that the petitioner No.1 and the complainant are leading happily married life and has produced an affidavit of the complainant showing that they are living as husband and wife. It is submitted that the petitioner Nos.2 and 3 are the father-in-law and mother-in-law of the complainant.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and has produced case diary and submits that the statement under Section 164 of the Cr.P.C. would show that the petitioner No.1 and the complainant had a love relationship.

Considering the materials available in the case dairy and the affidavit filed by the complainant and the statement of the complainant recorded under Section 164 of the Cr.P.C., we are of the view that the custodial interrogation of the accused/petitioners may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners be released on bail upon furnishing a bond of Rs.5,000/- (Rupees five thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)