

09.06.2023
SL No.27
Court No.1
Sb/Saswata
(Allowed)

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

CRM (A) 265 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. 40 of 2023, dated 24.01.2023 under Section 376(2)(i) of the Indian Penal Code, 1860.

And

In the matter of : **Ratna Barman @ Malina Barman**

- Petitioner.

Mr. Hillol Saha Podder

M. Mousumi Das

... For the Petitioner.

Mr. Abhijit Sarkar

Mr. Sagnik Shankar Sikdar

... For the State.

1. Learned Counsel for the petitioner submits that Swapan Barman, the principal accused was granted regular bail by the Trial Court and as the charge sheet has already been filed and, charges have already been framed, the prayer for anticipatory bail of the petitioner may be allowed.
2. Learned Counsel for the State submits that Swapan Barman has been granted bail by the Learned Additional Sessions Judge, Mathabhanga.
3. In view of the fact that co-accused has already been enlarged on bail and charge sheet has already been filed and considering the nature of involvement of the petitioner, we are of the view that custodial interrogation of the accused/petitioner is not necessary and accordingly, we **allow** the prayer for anticipatory bail of the petitioner on the following conditions:

- i. In the event of arrest, the accused/petitioner, namely, **Ratna Barman @ Malina Barman**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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.
 - ii. The petitioner shall cooperate with the investigation.
 - iii. The petitioner shall appear before the court below and pray for regular bail within four weeks from date and shall not leave the jurisdiction of the jurisdictional Court without express leave of the Court.
4. The application for anticipatory bail is, thus, disposed of.
 5. 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.)