

08.06.2023
SL No.29
Court No.1
Sb/Saswata
(Allowed)

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

CRM (A) 279 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Bagdogra Police Station Case No.113 of 2023, dated 09.03.2023 under Section 306 of Indian Penal Code, 1860.

And

In the matter of : **Beauti Majumdar Sarkar @ Beauty Majumdar Sarkar**
- Petitioner.

Mr. Arjun Chowdhury
Ms. Pratusha Dutta Chowdhury
Ms. Riya Agarwal

... For the Petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Kallol Nag

... For the State.

1. The petitioner is the wife of the deceased. She lodged a complaint against her in-laws for the death of her husband, which was registered as Bagdogra Police Station Case No.113 of 2023. It is submitted that as a counterblast of the said compliant, the in-laws have filed a police complaint against their daughter-in-law.
2. Learned Counsel for the State opposes the prayer for anticipatory bail.
3. We have considered the materials available in the case diary and the postmortem report which shows that the cause of death is *ante mortem* in nature. The present complaint appears to be a counterblast of the earlier complaint made by the wife of the deceased. Moreover, we take note of the fact that the in-

laws of the wife were granted anticipatory bail on 6th June 2023. In such circumstances, we are of the view that custodial interrogation of the 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 petitioner, viz, **Beuti Majumdar Sarkar @ Beauty Majumdar Sarkar** 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 petitioners 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.)