

09.06.2023
Court No.01
Item No. 48
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

CRM (A) 304 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Maynaguri Police Station Case No. 67 of 2023 dated 20-02-2023 under Section 498A/306/34 of the Indian Penal Code.

And

In Re: **Niranjan Das**

Petitioner

Ms. Madhushri Dutta

For the Petitioner

Mr. Nilay Chakraborty

Ms. Namrata Das

For the State

The learned Counsel for the petitioner submits that the husband and the mother-in-law of the deceased are on bail. The petitioner is the father-in-law of the deceased. He stands on the better footing.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Considering the fact that the co-accused persons have been enlarged on bail and also having considered the nature and complicity of the petitioner in the commission of the alleged offence, we are of the view that the custodial interrogation of the petitioner is not required and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.5,000/-, with two sureties of like amount, one of whom must be local, to the satisfaction of the Arresting Officer and also comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall co-operate with the

investigation and shall not leave the jurisdiction of the jurisdictional court. The petitioner shall meet the I.O. as and when required. The petitioner shall also surrender before the court below within four weeks from date and pray for regular bail.

In default of complying with any of the conditions mentioned above, the trial court shall be at liberty to cancel the bail without any further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 304 of 2023 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)