

15.6.2023

Sl. No.35

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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (A) 392 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No. 702 of 2022 dated 03.12.2022 under Sections 498A/304B of the Indian Penal Code,1860.

And

In Re: ***Chandana Adhikary***

... .. Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

... .. for the petitioner

Mr. Ujjwal Luksom
Ms. Namrata Das

... .. for the State

1. Heard the learned Advocates appearing for the parties.

2. Learned counsel appearing for the petitioner submits that the petitioner is the mother-in-law of the deceased and is innocent. It is further submitted that other co-accused persons including the husband have been enlarged on bail and charge-sheet has already been submitted.

3. Learned counsel appearing for the State in opposing the prayer for anticipatory bail has referred to the statement of the independent witness recorded under Section 161 of the Cr.P.C implicating the petitioner.

4. Having considered the materials available in the case diary and all the accused persons are on bail and charge-sheet has already

been filed, we are of the view that the custodial interrogation of the accused/petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount, one of whom must be local, 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 and on further condition that the petitioner shall co-operate with the investigation and on further condition that the petitioner shall not leave the jurisdiction without the permission of the jurisdictional court and shall surrender before the court below within four weeks from date and pray for regular bail.

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.)