

05.07.2023
Item no.17.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 469 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Haldibari Police Station Case No.67 of 2023 Dated 06.04.2023 under Sections 498A/304B/302/34 of the Indian Penal Code.

And

In the matter of: Champa Rani Sarkar.

.....Petitioner.

Mr. Bablu Mitra, for the Petitioner.

Mr. Aditi Shankar chakraborty, Ld. APP,
Mr. Biswarup Roy,
.....for the State.

Heard learned advocate for the petitioner and learned advocate for the State at length.

It is contended on behalf of the petitioner that the allegation as made out in the FIR is the outcome of mere suspicion wherein the involvement of the present accused petitioner is very remote.

Learned advocate for the State, however, opposes the prayer for anticipatory bail.

We have perused the entire material in the Case Diary. Investigation has progressed substantially. The allegations against the present accused petitioner in the statements of the witnesses as recorded so far are found to be omnibus in nature.

Such being the position, we are inclined to allow the prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner, namely, **Champa Rani Sarkar** shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the Arresting Officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that within twenty one days from the date of obtaining a certified copy or a server copy of this order, whichever is earlier, the petitioner shall appear before the learned Trial Court, failing which it would be treated that this Court has passed no order of anticipatory bail. The Arresting Officer is directed to act in the server copy of this order.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 469 of 2023 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)