

04.07.2023
Item no.46.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 473 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Boxirhat Police Station Case No.152 of 2023 Dated 13.04.2023 under Sections 498A/306/34 of the Indian Penal Code.

And

In the matter of: Subid Barman & Anr.

.....Petitioners.

Mr. Sudip Guha,
Mr. Pronajit Roy,for the Petitioners.

Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar,for the State.

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

It is contended that the present accused petitioners being the parents-in-law have got no nexus with the alleged crime.

While opposing the prayer for anticipatory bail, learned advocate for the State draws our attention to the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure wherefrom it appears to us that the allegations as against the present accused petitioners are basically omnibus in nature and prima facie there is no material to attract the provision of Section 107 of the Indian Penal Code.

Accordingly the prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest, the petitioners, namely, **Subid Barman** and **Chinibala Barman** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 petitioner no.1 shall report to the Investigating Officer of the concerned police station once in a week and/or as and when called for until further orders.

In case the petitioners fail 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. 473 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.)