

04.07.2023
Item no.52.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 481 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.46 of 2023 Dated 27.01.2023 under Sections 498A and 306 of the Indian Penal Code.

And

In the matter of: Purnabala Barman.

.....Petitioner.

Ms. Suman Sehanabis (Mondal),
Mr. Salok Sah,for the Petitioner.

Mr. Kallol Acharjee,
Mr. Aniruddha Biswas,
.....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 present accused petitioner being the mother-in-law has no involvement in 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.

On perusal of the entire material as placed before us it appears to us that the allegation against the present accused petitioner is omnibus in nature and that prima facie there are no

materials as against the present accused petitioner to attract Section 107 of the Indian Penal Code.

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

Accordingly, in the event of arrest, the petitioner, namely, **Purnabala Barman** 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 the petitioner shall report to the Investigating Officer of the concerned police station once in a week and/or as and when called for till submission in final form.

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. 481 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.)