

58. 07.07.2023
Court
No.1
b.r.

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 515 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **G.R. Case No. 988 of 2021** arising out of Tufanganj P.S. Case No. 681 of 2021 dated 17th of October, 2021 under Sections 468(A)/325 of the IPC, 1860, adding Section 313 of the IPC.

And

In the matter of: - **Sahana Bibi and Chaidul Hossain @ Sahadul Seikh.**

...petitioners.

Mr. Sudhindra Das

...for the petitioners.

Mr. Tapan Bhattacharjee

Mr. Chattu Roy

...for the State.

The allegations are under Section 468A/325 IPC. Subsequently Section 313 IPC was added. The petitioners are the mother-in-law and of the victim and her brother. They pray for anticipatory bail. They say they have been falsely implicated. The petitioner no.2 does not reside in the same house with the victim. They have no role to play in the alleged incident.

The State opposes the prayer for anticipatory bail.

We are told that charge-sheet has been submitted. We have also seen the material in the Case Diary. We do not find, *prima facie*, any such incriminating material as would justify custodial interrogation of the petitioners.

Accordingly, in the event of arrest, the petitioners, namely, (1) **Sahana Bibi**, (2) **Chaidul Hossain @ Sahadul Seikh**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, 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, 1973, 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 petitioners shall appear before the learned Trial Court.

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 **CRM (A) 515 of 2023** is thus **allowed** and **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)

