

14.07.2023
Item no.27
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) No.534 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Pundibari Police Station Case No.113 of 2023 Dated 20.2.2023 under Sections 498A/325/326/307/34 of the Indian Penal Code

And

In the matter of : Jamuna DebnathPetitioner.

Mr. H. S. Poddar,
Ms. Mousumi Dasfor the Petitioner.

Mr. Ujjwal Luksom,
Ms. Namrata Dasfor the State.

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

Learned Advocate for the State opposes the prayer for anticipatory bail.

On perusal of the entire material in the case diary, it appears that the instant case is an outcome of a matrimonial dispute. Investigation is stated to have been completed in the meantime.

Such being the position, we are of the considered view that custodial interrogation of the present petitioner is not necessary either for the investigation or for the trial.

In view of the aforesaid, we are inclined to allow the prayer of the petitioner for anticipatory bail.

Accordingly, in the event of arrest, the petitioner, namely Jamuna Debnath shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar 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 present accused petitioner shall appear before the learned Chief Judicial Magistrate, Cooch Behar within 21 days from the date of uploading of the instant order in the server.

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.534 of 2023 is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)