

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

18.08.2023
Court No.1
Item. 47
(sg/cm)

CRM(A) 639 OF 2023

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Alipurduar Police Station Case No. 544 of 2022 dated 15.11.2022 under Sections 447/323/325/326/307/354/506/34 of the Indian Penal Code.

And

In the matter of: PAPIA BANIK AND ANR.

.Petitioners.

Ms. Sunandita Banik (in person)

For the Petitioners.

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

For the State.

1. Considering the fact that the husband of the petitioner no. 1 and the father of the petitioner no. 2 has been released on bail by an earlier order passed by us, we are of the view that the petitioners' prayer for anticipatory bail should be allowed.
2. Admittedly, there is a dispute in relation to property between the petitioners and their husband/ father and family members of the petitioner's husband/ father. Cases and counter-cases have been filed by one group against the other and civil/ criminal proceedings are also pending in relation to such cases.
3. We are accordingly of the view that custodial interrogation of the petitioners is not required.

4. We accordingly direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of who must be local, to the satisfaction of the Arresting Officer and the petitioners shall further cooperate with the investigation and the ongoing trial subject to the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioners shall meet with the investigating agencies whenever required. The petitioners shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever.
5. The application for anticipatory bail being CRM(A) 639 of 2023 is allowed and disposed of in terms of the above.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)