

29.08.2023
Item no.12
Court No.01
P.P./S.D.

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

CRM (A) 647 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Kiran Bala Barman @ Kiran Mala Barman
.... Petitioner

Mr. Hillol Saha Podder
....for the petitioner
Mr. Aditi Shankar Chakraborty, APP,
Mr. Tapan Bhattacharjee,
Ms. Sukanya Adhikary
..... for the State

Apprehending arrest in connection with Sahebganj Police Station Case No. 152 of 2023 dated 09.05.2023 under Sections 365/326/307/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Saha Podder, learned advocate appearing for the petitioner submits that the petitioner is an aged lady of 63 years and the principal accused being her son had already been granted statutory bail. There is no possibility that the petitioner would flee from justice. In the said conspectus, her prayer for anticipatory bail may be granted on any stringent condition.

Mr. Chakraborty, learned Additional Public Prosecutor vehemently opposes the petitioner's prayer for bail and submits that there are strong incriminating materials on record against the petitioner. In support of such contention, he has placed

reliance upon the dying declaration of the victim before the learned Executive Magistrate, in presence of the concerned doctor.

Heard the learned advocates appearing for the respective parties and considered the materials on record, particularly the dying declaration and considering the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise discretion in her favour more so, when investigation is still continuing.

Accordingly, the prayer for anticipatory bail is rejected.

CRM (A) 647 of 2023 is dismissed.

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

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)